

RULES  
OF THE  
HIGH COURT OF JUDICATURE AT  
FORT WILLIAM IN BENGAL

APPELLATE SIDE



CALCUTTA  
SUPERINTENDENT GOVERNMENT PRINTING, INDIA  
1914

## PREFACE TO THE FIRST EDITION.

**A**FTER the constitution of the High Court, the Judges by a rule, dated the 1st January 1865, ordered that “all Rules which at the time of the abolition of the Sudder Court were in force in that Court shall extend, as far as they are applicable, and as nearly as may be, to all proceedings of Appellate Jurisdiction in the High Court, not being cases of appeal from the Ordinary Civil Jurisdiction of that Court except so far as such rules are contrary to Act 24 and 25 Vict., Cap. 104, or to the Letters Patent, or as the same may have been, or shall hereafter be, altered or modified by this Court.”

Similarly after the passing of Act X of 1877, the Judges by a Notification, dated the 10th January 1878, ordered that “all rules of Practice under Act VIII of 1859 and Act XXIII of 1861, issued by the late Sudder Court or by the High Court at Fort William in Bengal which were in force on the 30th September 1877, shall, so far as the same are applicable, be continued as the rules of the said High Court under Act X of 1877, except so far as the same shall hereafter be altered or modified by the Court.”

By section 3 of Act XIV of 1882 all rules framed under the Acts thereby repealed are continued so far as they are consistent with that Code.

Many of the old Rules have in course of time become obsolete, while others have been superseded by rules issued by the High Court under the powers vested in it by the Charter, Act 24 and 25 Vict., Cap. 104, by the Letters Patent, and by the Code of Civil Procedure,

Still many have remained in force, and, to a considerable extent, have governed the practice and procedure of the High Court in its Appellate Jurisdiction.

In 1880, Mr. Belchambers, Registrar of the High Court in its Original Jurisdiction, brought out an edition of the Rules and Orders of the High Court, in which he included the rules then in force on the Appellate Side. Since the publication of that edition many of the rules included in it have become obsolete, while many new rules have been made. The issue of a new and complete edition of the Rules applicable to the High Court in its Appellate Jurisdiction having become necessary, a collection in a codified form was prepared under instructions from the Chief Justice.

All the old rules were in the first instance collected, material assistance towards this object being afforded by Mr. Belchambers' book referred to above. Obsolete rules and parts of rules were then struck out, verbal amendments made where necessary to meet changes in the Law, and in some few instances Rules were framed to embody the existing practice. The rules were then arranged, in a codified form, in chapters, old sets of rules being broken up so as to bring individual rules under their appropriate headings.

The rules thus arranged were, by a resolution of the Full Court, referred to Mr. Justice Prinsep for consideration and revision, and as soon as this revision had been completed, they were laid before the Judges of the Full Court, and considered *seriatim*.

C. M. W. BRETT.

HIGH COURT,  
*The 31st March, 1891.*

## PREFACE TO THE THIRD EDITION.

THE arrangement of the rules in the present edition coincides with that adopted by Mr. Richardson when issuing the Second Edition in 1902. Amendments of, and additions to, the rules up to the 31st December, 1909, have been incorporated, with the necessary consequential modifications and the changes of reference necessitated by the passing of the new Code of Civil Procedure (Act V of 1908) carried out. The Orders in Council dealing with Appeals to the Privy Council, which were reproduced, in the edition of 1902, as an appendix to Chapter IV, have been displaced by the rules issued under the Order in Council, dated 21st December, 1908; while the headings to and references in several of the Civil Forms in Appendix B have been rendered more comprehensive. The index has been somewhat enlarged.

A. W. WATSON,  
*On Special Duty.*

HIGH COURT,  
*The 15th March, 1910.*





## PREFACE TO THE FOURTH EDITION.

THE Third Edition being exhausted, the Rules have been reprinted, amendments and additions up to the *31st December, 1913*, being incorporated.

Chapter VII in the Third Edition, headed " Appeals from the High Court, Original Jurisdiction," has been omitted from this reprint, as matters relating to such appeals are dealt with on the Original Side and the revised rules on the subject have been included in the " Rules and Orders " of that Side, 1914. The remaining chapters have been renumbered accordingly.

H. M. VEITCH,  
*Offg. Registrar.*

HIGH COURT,  
*The 24th April, 1914.*



RULES OF THE HIGH COURT, CALCUTTA,  
APPELLATE SIDE.

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INTRODUCTORY RULE.

THE following Rules are issued under the powers vested in the High Court by Section 13 of the Statute 24 and 25 Vict. Cap 104 by the Letters Patent of the High Court of Judicature at Fort William in Bengal. 1865, and by the Code of Civil Procedure, and may be cited as "The Rules of the High Court, Calcutta, Appellate Side."

All Rules and Orders previously issued by the Sudder Court and the High Court are hereby annulled, and the following Rules shall stand in lieu thereof

By order of the High Court.

A. P. MUDDIMAN,  
*Registrar.*

HIGH COURT, CALCUTTA,  
*The 31st March, 1910*



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RULES OF THE HIGH COURT, CALCUTTA,  
APPELLATE SIDE.

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PART I.  
GENERAL RULES.

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CHAPTER I.

BUSINESS NOT OF A JUDICIAL CHARACTER.

*The English Committee.*

I. There shall be a Standing Committee of the Judges composed of the Chief Justice and at least four other Judges to be appointed from time to time by the Chief Justice, which shall be called the English Committee.

II. The English Committee shall be charged with the control and direction of the Subordinate Courts, so far as such control and direction are exercised otherwise than judicially.

III. The English Committee shall have power, without reference to the Judges generally,—

- (a) To dispose of all correspondence within its own Department, urgent in its nature and not of general importance,
- (b) To make recommendations for the appointment of Subordinate Judges, and for the promotion, degradation, or suspension of Subordinate Judges and Munsifs,



(c) To issue Circular Orders and General Letters to the Mufassal Courts;  
General Letters.

(d) And to dispose of any matter which might ordinarily have been dealt with by the Judge in charge of the English Department, and which he may have referred to the Committee for their opinion.

IV. Every order passed and every draft letter approved by the English Committee shall be signed by not less than three members of the Committee.

*Judge in the English Department.*

V. One Judge, being a member of the English Committee, shall have executive charge of the English Department, by which is meant the administrative business of the Court on its Appellate Side: Provided that the Chief Justice may at any time direct that the powers conferred on the Judge in the English Department shall be exercised by two or more Judges of the Court, who shall also be members of the English Committee, and who may apportion the duties of the post between them, subject to the approval of the Chief Justice.

*Powers of the Judge in the English Department.*

VI. Orders on all correspondence and on all returns and statements (not being returns to precepts and judicial orders or explanations called for by particular Judges or Benches) shall ordinarily be passed under his powers, as hereinafter specified, by the Judge in the English Department (or by the

Registrar under his superintendence): Provided that the Sessions statement which is required from each Sessions Judge at the close of every Session shall be submitted for the orders of the Division Court sitting for the disposal of the Criminal Business.

VII. The Judge in the English Department is empowered to pass orders on—

(a) Matters arising out of the revision of all periodical returns and statements furnished by the Subordinate Civil and Criminal Courts, except the Sessions statements above referred to.

(b) The leave of Munsifs, recommendations to the Local Government for the transfer of Subordinate Judges and Munsifs, and the nomination of Munsifs, subject to consultation with the Chief Justice.

(c) Recommendations to Government for the investing of Subordinate Judges and Munsifs with extraordinary powers, *e.g.*, Small Cause Court powers, powers under the Land Acquisition Act, etc., etc.

(d) Applications and routine references connected with the admission and enrolment of Pleaders and Mukhtars under Act XVIII of 1879. <sup>(1)</sup>

<sup>(1)</sup> NOTE.—By a Resolution of the Judges of the English Committee passed on the 15th July, 1891, the Registrar has been authorized to dispose of such applications and references where the orders required are formal, and the requirements of the law and the Court's rules have been duly observed.

- {e) All other correspondence not relating to matters judicial, or to orders of other Judges, unless there be, as to any subject, an express rule to the contrary, or unless the importance of the subject may render it, in his opinion, fit to be laid before a greater number of Judges.

*Special Committees.*

VIII. At a meeting of the Full Court, a Special Committee, consisting of two or more members, may be appointed to consider and report upon any matter which may be referred to it.

IX. Such a Committee shall have power, without reference to the Judges generally, to enter upon and conduct any correspondence which the members may consider desirable, in order to enable them to prepare their report.

X. Every order passed and every draft letter approved by a Special Committee shall be signed by a majority of the members.

*Contemplated Legislation.*

XI. Bills of the Legislative Department of the Government of India and of the Local Government forwarded to the High Court for opinion, proposals for the amendment of the law, and generally all matters connected with the development of the law, shall ordinarily be referred in the first instance to Special Committees appointed under Rule VIII, consisting of not less than three members.

*General.*

XII. It shall be the duty of the Registrar to submit all papers relating to any matter to the Committee, if any, appointed to deal with it.

XIII. In all cases in which the English Committee may have acted under Rule III, or a Special Committee under Rule X, the correspondence shall be laid on the table for the information of the Full Court, and a notice shall be circulated weekly to all the Judges of the matters which have, during the past week, been laid before such Committees, showing whether they have been disposed of, and, if so, in what manner.

XIV. It shall be competent to any Judge to require that any matter within the cognizance of any Committee shall be referred to the Full Court.

XV. On the following matters all the Judges shall be consulted :—

- (a) Proposed changes in the law where the position emanates from the Government or, in other cases, where a Committee or any Judge of the Court considers that action is called for.  

Specially proposed  
changes in the law.
- (b) The Administration Reports yearly submitted to Government, when passed by the Judges of the English Committee.  

Administration Re-  
ports.
- (c) Rules which when published will have the force of law.
- (d) Subjects connected with the relations between the Privy Council and the High Court.

(e) All appointments which by law are made by the High Court and which are not otherwise expressly provided for by the Rules in this Chapter.

(f) All recommendations for the dismissal from office of Judicial officers.

XVI. Any individual Judge shall be at liberty to record a separate minute upon any matter that comes before the Full Court for discussion; but no such minute shall be submitted to the Government by the Registrar, unless, or until, it has been circulated to the rest of the Judges.

XVII. There shall ordinarily be a meeting of the Meeting of the English Committee English Committee on every Saturday, except holidays, at 11 A.M., unless there be no business, or unless another day and time shall be, on any occasion, specially appointed.

XVIII. With the notice of a meeting of the English Committee, or of the Full Court, there shall ordinarily be distributed a printed list setting out the matters for discussion.

XIX. Except for some special reason, the papers relating to any matter for discussion at a meeting of the Full Court shall be circulated to all the Judges before the day of meeting.

XX. The proceedings of all meetings of the Full Record. Court and of the English Committee shall be recorded in books to be kept for that purpose by the Registrar, and shall be at all times open to inspection, when called for by any of the Judges.

## CHAPTER II.

## CONSTITUTION OF DIVISION COURTS AND FULL BENCHES.

I. A Division Court for the hearing of appeals from decrees or orders of the Provincial Civil Courts shall consist of two or more Judges as the Chief Justice may think fit:

(1) Provided that it shall be competent for one Judge to hear appeals and applications in all matters specified in the subjoined Schedule. He may however send back any particular case he thinks fit to the Group to which the case belongs, to be disposed of by two Judges.

(2) Provided also that, on the requisition of any Division Court, or whenever he thinks fit, the Chief Justice may appoint a special Division Court to consist of three Judges, for the hearing of any particular appeal, or any particular question of law arising in an appeal, or of any other matter.

SCHEDULE (*referred to in proviso (1) above*).

## (CIVIL WORK.)

(1) All matters coming under the head of Lawazima, that is, relating to—

- (a) Service of processes.
- (b) Substitution of parties.
- (c) Appointment of next friends and guardians *ad litem* of minors.
- (d) Preparation of paper-books.
- (e) Return of documents.

- (2) Applications and Rules relating to the above matters.
- (3) Applications for admission of appeals *in formâ pauperis*.
- (4) Applications under Section 25 of the Provincial Small Cause Court Act, and Rules granted upon such applications.
- (5) Second appeals up to the value of Rs. 1,000, and applications for revision under Section 115 of the Code of Civil Procedure in cases up to that value, and of all Rules granted on such applications.
- (6) Admission of appeal, or cross-objection, after time.
- (7) Appeals against the following orders as referred to in Order XLIII, rule 1, of the Code of Civil Procedure:—
  - (a) Orders under rule 10 of Order VII returning a plaint to be presented to the proper Court [O. XLIII, r. 1 (a)].
  - (b) Orders under rule 21 of Order XI [O. XLIII, r. 1 (f)].
  - (c) Orders under rule 10 of Order XVI for the attachment of property of witnesses [O. XLIII, r. 1 (g)].
  - (d) Orders under rule 3 of Order XXIII recording or refusing to record an agreement, compromise, or satisfaction [O. XLIII, r. 1 (m)].
  - (e) Orders under rule 2 of Order XXV rejecting an application (in a case open to appeal) for an order to set aside the dismissal of a suit [O. XLIII, r. 1 (n)].
  - (f) Orders under rule 3 or rule 8 of Order XXXIV refusing to extend the time for the payment of mortgage-money [O. XLIII, r. 1 (o)].
  - (g) Orders under rule 2, rule 3, or rule 6 of Order XXXVIII [O. XLIII, r. 1 (q)].
  - (h) Orders under rule 10 of Order XXXIX [O. XLIII, r. 1 (r)].

II. (a) A Division Court for the hearing of an appeal under Section 15 of the Letters Patent from the judgment of a Judge sitting singly on the Appellate Side, who has decided an appeal under the 1st

Appeals under Section 15 of the Letters Patent.

proviso of Rule I of this Chapter, shall consist of two Judges, other than the Judge from whose judgment the appeal is preferred.

(b) In all other cases a Division Court for the hearing of appeals under Section 15 of the Letters Patent from the judgment of a Division Court sitting on the Appellate Side of the High Court shall consist of three or more Judges as the Chief Justice may think fit, other than the Judges of the Division Court from whose judgment the appeal is preferred.

(c) A Division Court for the hearing of appeals under Section 15 of the Letters Patent from the judgment of a Judge, sitting on the Original Side of the High Court, shall consist of two or more Judges as the Chief Justice may determine.

III. References from a Provincial Civil Court shall be heard by the Division Court appointed for the hearing of appeals from the decrees and orders of the Civil Courts of the District in which such Court is situated.

IV. References from the Presidency Small Cause Court shall be heard by the Division Court appointed for the hearing of appeals from the High Court in its Original Jurisdiction.

V. Applications under Section 115 of the Code of Civil Procedure, for revision of orders of the Calcutta Presidency Small Cause Court, shall be heard by a single Judge sitting on the Original Side of the High Court.



VI. A Division Court for the hearing of cases on  
Criminal Appeals. appeal, reference, or revision in res-  
pect of the sentence or order of any  
Criminal Court shall consist of two Judges :

Provided that it shall be competent for one Judge to hear appeals and applications in all matters specified in the subjoined Schedule. He may however send back any particular case he thinks fit to the Bench taking the Criminal Appellate cases to be disposed of by two Judges.

VII. (1) Whenever the Court shall be of opinion that there are reasonable grounds for holding that any Pleader or Mukhtear has been guilty of any misconduct rendering such Pleader or Mukhtear liable to be dealt with under the provisions of the Legal Practitioners Act, the Court may institute a proceeding by the issue of a rule calling on such Pleader or Mukhtear to show cause why he should not be so dealt with.

(2) Any proceeding taken in the High Court against any Pleader or Mukhtear under the provisions of Sections 12 and 13 of the Legal Practitioners Act, XVIII of 1879, as amended by Acts IX of 1884 and XI of 1896, and

any report made against any Pleader or Mukhtear to the High Court under the provisions of Section 14 of the same Act by the presiding Officer of any Subordinate Court, or of any Revenue Office, in which the Pleader or Mukhtear is practising,

shall, subject to any direction by the Chief Justice, be taken before, or considered by, the Division Bench of the High Court for the time being

hearing appeals from the Group which includes the District in which the Pleader or Mukhtear is enrolled, and

such Division Bench shall also have power to call for any record under the provisions of Section 14 of the same Act and to pass orders thereon.

All such matters arising in respect of Pleaders or Mukhteers practising in the Calcutta Court of Small Causes or the Presidency Magistrate's Court shall, subject to any direction by the Chief Justice, be taken before or heard by the Division Bench, for the time being hearing appeals of the Presidency Group.

The Senior Government Pleader may, at the discretion of the Judges of the Bench, be desired to appear in or to conduct any proceeding taken before them under the Legal Practitioners Act.

#### SCHEDULE.

##### (CRIMINAL WORK.)

(1) Appeals or applications for revision in cases involving sentences of fine only, and Rules granted upon such orders of fine, except in cases falling within Sections 154, 155, and 156, Indian Penal Code.

(2) References from Sessions Judges and Magistrates in cases involving fines only.

(3) Applications, Rules, and References in cases relating to—

(a) Security to keep the peace under Section 107 of the Code, unless in consequence of failure to give such security an order of committing a person to imprisonment has been made under Section 123.

(b) Maintenance of wives and children.

- (c) Award of compensation to accused persons.
- (d) Orders under Section 514 of the Code by way of forfeiture of bail bonds.
- (e) Orders under Section 517 for disposal of property regarding which offence has been committed.
- (f) Orders under Section 519 for payment to innocent purchasers of money found on the accused.

VIII. A Division Court for the decision of any question reserved or referred under Cases reserved or referred under Section 434 of the Code of Criminal Procedure. Section 434 of the Code of Criminal Procedure shall consist of such number of Judges as the High Court shall, in each case, determine.

IX. A Full Bench appointed for any of the purposes mentioned in Chapter V, Rules I to V, shall consist of five Judges.

X. The business of the Privy Council Department on the Appellate Side of the High Court shall be laid before the Division Court presided over by the Chief Justice, except in the case of appeals in suits instituted on the Original Side of the High Court.

XI. Every petition under Order XLV, rule 2, of the Code of Civil Procedure in respect of any decree passed by this Court in its Appellate Jurisdiction in the case of an appeal from the Original Side shall be presented to the Division Court for the hearing of appeals from the Original Side, but every such petition may be heard by a Division Court consisting of two Judges.

## CHAPTER III.

## DISTRIBUTION OF JUDICIAL BUSINESS.

I. The ordinary Appellate Civil Jurisdiction of the High Court shall be divided into Groups of Districts.

II. The following shall be the Groups:—

Group I	Group II	Group III.	Group IV.	Group V.	Group VI
24 Parganas.	Burdwan.	Rajshahn.	Dacca	Darbhanga.	Patna.
Nadia	Hooghly.	Rangpur.	Faridpur.		Shahabad.
Jessore.	Bankura.	Dinajpur, Jalpaiguri, and Dar- jeeling.	Bakarganj.	Purnea.	Gaya
Khulna	Midnapore.	Pabna and Bogra.	Mymensingh.	Blagapur and Munghyr	Cuttack
Murshidabad	Birbhum.	Tippera.	Assam Valley Districts.	Saran.	Coota-Nag- pur
		Noakhali.	Sylhet.	Muzaffarpur and Cham- paran.	Manbhum- Sambalpur.
		Chittagong	Cachar.		

III. The Civil business arising from the District of each Group shall be laid before the Division Court in charge of such Group.

Provided that when an order under Order XLI. rule 25 or 28, of the Code of Civil Procedure has been passed by a Division Court and at the time of the receipt of the return to such order, the Judges composing such Court are not in charge of the Group to which the appeal belongs, such appeals shall be laid before the Senior, or in his absence the Junior, of such Judges,

and he shall direct either that the appeal be heard by the Division Court on which he may be sitting, or that it be laid before the Chief Justice for the appointment of a Court to hear such appeal. In the absence of both of the Judges, the appeal shall be laid before the Division Court in charge of the Group to which the appeal belongs.

IV. The Judges of each Division Court shall determine the order in which each description of business shall be heard.

V. Every case in the Criminal Jurisdiction of the High Court shall be placed on the List of the Division Court appointed for that purpose on the date fixed for hearing.

## PART II.

## PROCEDURE AND PRACTICE.

## CHAPTER IV.

## APPEALS TO THE PRIVY COUNCIL.

I. Matters connected with appeals to His Majesty in Council shall ordinarily be heard at such time as the Division Court appointed to deal with such matters shall fix.

II. Applications (1) for an order to transmit orders in Council for execution to the Lower Courts, where no special directions are required, (2) to transmit securities to the Mufassal Courts for investigation as to their sufficiency, and (3) for refunds of surplus deposits made for the purpose of preparing translations, manuscripts, etc., may, under ordinary circumstances, be made without notice to the opposite party. A separate list will be made of such applications, and they will be called on at the sitting of the Court, when the Court will determine whether notice must be given.

III. In all other applications notice is necessary.

IV. In all cases in which it is necessary that notice to any party shall issue, such notice shall be given by delivering to the proper person a copy of the petition, together with a notice in the following form :—

Take notice that this application will be made in Court on the     day of     19     , at     o'clock in the forenoon, when you are required to attend and show cause against the application, if you are desirous to do so.

V. A notice which it is necessary to serve under these Rules, or under Order XLV, rule 3, or rule 8 of the Code of Civil Procedure, may be served in the manner provided by the Code of Civil Procedure for the service of notices, or upon any vakil who appeared for the party to whom notice is to be given in the appeal to this Court, unless the vakalatnama of such vakil has been cancelled with the sanction of the Court. If there is no vakil upon whom notice can be served, then, unless the Division Court shall otherwise direct, the notice must be served upon the party in Calcutta through the Sheriff, or in the Mufassal through the Court, on paying the usual fee. Such payment is to be made by stamp affixed to the notice intended to be served.

VI. If the notice is to be served in Calcutta, it shall be served 24 hours before the sitting of the Court at which the application is to be made; if it is to be served in the Mufassal, then the time is to be regulated by the Time Table prescribed in Rule XV, Chapter VII, page 54, *post*.

VII. All applications of which notice has been given to the Clerk in charge of the Department will be set down in a list in the order in which they are notified to him. The cases in the list will be called on peremptorily in their turn; and if, by the fault of the applicant, the application cannot be proceeded with, it will be liable to be dismissed.

VIII. With the petition to be presented under Order XLV, rule 2, of the Code of Civil Procedure, the party desirous to appeal shall file an application, accompanied by a fee of Rs. 16, to the Clerk of Privy

Council Appeals to prepare an estimate of the expense of translating, transcribing, or printing, and forwarding to the Registrar of the Privy Council the record of the case.

IX. Such estimate shall be prepared with as little delay as possible, and ordinarily only on the paper book of the appeal as heard by the Division Court in the particular case.

• Provided that it shall be competent to the Division Court to require the applicant to state within a prescribed period what papers he may desire to have translated or transcribed for the purposes of his appeal, if admitted, and to pass orders accordingly.

X. The application for estimate shall state whether or not the record is to be printed in India.

XI. The applicant may, at the next sitting of the Court, object to such estimate; but such objection is not to delay the making of the deposit, except by leave of the Court.

XII. All documents, excepting those that may be contained in the paper book of the Regular Appeal in this Court, which are to be included in the transcript for the Privy Council, if not originally in English, shall be translated into that language, and all translations made or used shall be revised and certified by the Sworn Examiner.

NOTE —“ Documents ” include evidence of witnesses.

XIII. An index of all the documents included in the transcript shall be prepared and annexed to the record in the following form, and shall be followed by a list of all other papers, documents, and exhibits in the cause not included in the transcript; the draft of



this index and list shall be furnished to the parties, who shall be at liberty to object thereto within three weeks from the date of receipt.

Number on Record	Mark (if any) in the Court below	Description and date of Paper	Whether the whole portion and (in case of a portion) what portion, to be inserted in the transcript.	Page of Transcript (to be filled in after).

XIV. Any of the parties to the suit may, within three weeks from the receipt of the draft of the index and list referred to in the preceding rule, apply to the Division Court for an order that any paper on the record, not already included in such index and list, may be added to, or, if already included, may be excluded from the transcript under preparation for the Privy Council. Any cost incurred on such account shall be borne in such manner as the Division Court may direct, provided that no such application shall be heard except after notice to the opposite party.

XV. (a) In the index and transcript the papers shall be placed in the following order :—

Plaint.

Written statements.

Examination of parties, or their agents, &c.

Injunctions.

Orders of attachment, &c. (if any), obtained before judgment.  
 Issues framed (if any).  
 Exhibits of plaintiff.  
 Depositions of witnesses for plaintiff.  
 Exhibits of defendant.  
 Depositions of witnesses for defendant.  
 Report of Commissioner (if any) with maps, depositions, &c. annexed.  
 Judgment and decree.  
 Memorandum of appeal.  
 Cross-appeal, or memorandum of objections under Order XLI, rule 22 (if any).  
 Proceedings in any Court (if any).  
 Judgment and decree of that Court.  
 Petition of appeal to Privy Council, Affidavits, &c.  
 Appendix (if any).  
 List of Papers omitted under rule 17 of His Majesty's Order\* in Council of 21st December 1908, and under sub-rule (b) of Order XLV, rule 7, of the Code of Civil Procedure

(b) The following charges shall be payable in respect of the matters specified :—

	<i>Rs. a. p.</i>
Estimates of costs . . . . .	16 0 0
Translation of Vernacular portion of record, per 1,000 words . . . . .	6 10 8
Examination of ditto. . . . .	3 5 4
Copying English portion of record, for every 1,440 words, or part thereof . . . . .	1 0 0
Examining ditto for every 1,440 words, &c. . . . .	0 8 0
Transcribing (one copy), per folio of 72 words . . . . .	0 2 0

(Or at the option of Appellant.)

Printing (55 copies), per printed page from Rs. 1-8-0 to . . . . .	3 0 0
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\* See Appendix to this Chapter, p. 23, *et seq*

	<i>Rs.</i>	<i>a.</i>	<i>p.</i>
Examination of transcript record, for every 72 words or part thereof . . .	0	1	0
Ditto of proofs, for every 750 words . . .	1	0	0
Certifying two copies of printed record, for every 10 printed or manuscript pages, or part of 10 pages . . . . .	1	0	0
Preparation of index, for every 16 papers or part of 16 papers . . . . .	1	0	0
The above rates will be subject to alteration.			

XVI. The estimate shall include the matters referred to in the preceding rule and be framed in accordance with the charges above specified, and any appellant who has filed his petition of appeal shall be deemed to have incurred the charge for the preparation of an index and estimate, whether the appeal be admitted or not.

XVII. In all cases the security offered under Order XLV, rules 7, 10, and 14, of the Code of Civil Procedure shall consist either of cash, or Government securities, or immovable property, and in the latter case the party finding the security shall file a mortgage bond duly registered, together with a specification of the title to the property.

XVIII. When such bond has been filed, the Court shall, if the property be situate in Calcutta, direct the security to be tested by the Registrar on the Original Side; if in the Mufassal, by the Judge of the District in which the immoveable property offered as security is situate.

XIX. Upon the arrival of any report as to the sufficiency of any security, the Clerk in charge of the Department will enter the case in the list of business.

of the Division Court, specifying the nature of the case. All parties desirous of objecting thereto shall, within six days of the case being inserted in such list, file a notice specifying their objections and serve a copy of such notice upon the other parties to the appeal. All such objections will be disposed of at the next sitting but one after the arrival of the report.

XX. If the security tendered be found insufficient, the appellant shall, within six weeks of the date of such finding, deposit cash or Government securities to the extent of Rs. 4,000, or to such amount as will bring up the value of the security to Rs. 4,000.

XXI. In case the last day for making the deposit or giving the security under Order XLV, rules 7, 10, and 14, of the Code of Civil Procedure shall fall on a day upon which the Court is closed, the deposit may be made, or the security given, upon the first day upon which the Court re-opens.

XXII. On the admission of an Appeal to His Majesty in Council, whether by the order of this Court under Order XLV, rule 5, of the Code of Civil Procedure, or by an Order of His Majesty in Council giving the appellant special leave to appeal, notice of such admission shall, at the cost of the Appellant, be given by this Court to ALL the Respondents, whether they have entered appearance or not, and the Registrar of this Court shall transmit to the Registrar of His Majesty's Privy Council with the transcript record of the case, or as soon thereafter as practicable, a certificate that notice of such admission has been given to all the Respondents.

XXIII. After the despatch by this Court to the Privy Council of the transcript record in an Appeal

to His Majesty in Council, duly admitted by this Court, or by an Order of His Majesty in Council giving special leave to appeal as aforesaid, notice of such despatch shall, also at the cost of the Appellant, be given by this Court to ALL the Respondents whether they have entered appearance or not, and the Registrar of this Court shall, as soon as practicable thereafter, transmit to the Registrar of His Majesty's Privy Council a certificate that such notice has been given to all the Respondents.

XXIV. All applications by or on behalf of an infant, or a person of unsound mind, shall be made in the name of the infant or person of unsound mind by the person whose name is on the record as his next friend or his guardian; and, whenever any application is consented to or opposed by an infant or person of unsound mind, the infant or person of unsound mind shall in like manner be represented by the person who appears on the record as his next friend or guardian.

XXV. In case there is no next friend or guardian upon the record, a separate application for appointment of a next friend or guardian must be made.

XXVI. (a) When a party who has been successful in an appeal to His Majesty in Council applies for a certificate of the costs incurred in the appeal in this Court, the Deputy Registrar shall, upon production of the order of His Majesty in Council for the payment of such costs, and without reference to the Court, prepare such certificate and place it on the record of the Privy Council Appeal.

(b) A copy of the certificate will then be taken by the party in the usual way.

## APPENDIX TO CHAPTER IV.

The following Order, dated the 21st December 1908, issued by His Majesty in Council for observance in all appeals to the Privy Council, is inserted for information. It revokes, and has been substituted for, the rules contained in the Orders in Council, dated, respectively, 11th August 1842; 13th June 1853; 31st March 1855, 24th March 1871, 26th June 1873, and 20th March 1905, which amended the above.

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JUDICIAL COMMITTEE.

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Jurisdiction and Procedure: General Rules as to Appeals.

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THE JUDICIAL COMMITTEE RULES, 1908.

(*Statutory Rules and Orders, No. 1288 of 1908.*)

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## ARRANGEMENT OF RULES.

## RULE.

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*Leave to appeal.*

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4. Three copies of Petition to be lodged together with Affidavit in support.
5. Time for lodging Petition.
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7. General provisions.
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47. Form of Petition.
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68. Mode of binding Records, etc., for use of Judicial Committee.
69. Time within which bound copies shall be lodged



*Hearing. (Page 41.)*

## RULE.

- 70. Notice to parties of date of commencement of Sittings; entering Appeals for hearing.
- 71. Notice to parties of day fixed for hearing Appeal.
- 72. Only two Counsel heard on a side in Appeals.
- 73. Nautical Assessors.

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- 74. Notice to parties of day fixed for delivery of Judgment.

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- 75. Taxation of costs.
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- 77. Order to tax.
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- 83. Power of Judicial Committee to excuse from compliance with Rules.
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- Schedule A. Rules as to printing. (Page 44.)
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## II. Council Office Fees. (Page 45.)

1.—(1) In these Rules, unless the context otherwise requires:— Interpretation.

“Appeal” means an Appeal to His Majesty in Council;

“Judgment” includes decree, order, sentence, or decision of any Court, Judge, or Judicial Officer;

“Record” means the aggregate of papers relating to an Appeal (including the pleadings, proceedings, evidence and judgments) proper to be laid before His Majesty in Council on the hearing of the Appeal;

“Registrar” means the Registrar or other proper officer having the custody of the records in the Court appealed from;

“Abroad” means the country or place where the Court appealed from is situate;

“Agent” means a person qualified by virtue of Her late Majesty’s Order in Council of the 6th March 1896 to conduct proceedings before His Majesty in Council on behalf of another;

“Party” and all words descriptive of parties to proceedings before His Majesty in Council (such as “Petitioner,” “Appellant,” “Respondent”) mean, in respect of all acts proper to be done by an Agent, the Agent of the party in question where such party is represented by an Agent;

“Month” means calendar month;

Words in the singular shall include the plural, and words in the plural shall include the singular.

(2) Where by these Rules any step is required to be taken in England in connection with proceedings before His Majesty in Council, whether in the way of lodging a Petition or other document, entering an Appearance, lodging security, or otherwise, such step shall be taken in the Registry of the Privy Council, Downing Street, London.

#### *Leave to appeal.*

2. All Appeals shall be brought either in pursuance of leave obtained from the Court appealed from, or, in the absence of such leave, in pursuance of special leave to appeal granted by His Majesty in Council upon a Petition in that behalf presented by the intending Appellant. Leave to appeal generally

*Special Leave to appeal.*

Form of  
Petition for  
special leave  
to appeal.

3. A Petition for special leave to appeal to His Majesty in Council shall state succinctly and fairly all such facts as it may be necessary to state in order to enable the Judicial Committee to advise His Majesty whether such leave ought to be granted. The Petition shall not travel into extraneous matter, and shall deal with the merits of the case only so far as is necessary for the purpose of explaining and supporting the particular grounds upon which special leave to appeal is sought.

Three copies  
of Petition  
to be lodged  
together with  
Affidavit in  
support  
Time for  
lodging  
Petition.

4. The Petitioner shall lodge at least three copies of his Petition for special leave to appeal together with the Affidavit in support thereof prescribed by Rule 50 hereinafter contained.

5. A Petition for special leave to appeal may be lodged at any time after the date of the judgment sought to be appealed from, but the Petitioner shall, in every case, lodge his Petition with the least possible delay.

Security for  
costs and  
transmission  
of Record.

6. Where the Judicial Committee agree to advise His Majesty to grant special leave to appeal, they shall, in their Report, specify the amount of the security for costs (if any) to be lodged by the Petitioner, and the period (if any) within which such security is to be lodged and shall, unless the circumstances of a particular case render such a course unnecessary, provide for the transmission of the Record by the Registrar of the Court appealed from to the Registrar of the Privy Council and for such further matters as the justice of the case may require.

General  
provisions

7. Save as by the four last preceding Rules otherwise provided, the provisions of Rules 47 to 50 and 52 to 59 (all inclusive) hereinafter contained shall apply *mutatis mutandis* to Petitions for special leave to appeal.

Petitions for  
special leave  
to appeal  
*in formâ  
pauperis*

8. Rules 3 to 7 (both inclusive) shall apply *mutatis mutandis* to Petitions for leave to appeal *in formâ pauperis*, but in addition to the Affidavit referred to in Rule 4 every such Petition shall be accompanied by an Affidavit from the Petitioner stating that he is not worth £25 in the world excepting his wearing apparel and his interest in the subject-matter of the intended Appeal, and that he is unable to provide sureties, and also by a certificate of Counsel that the Petitioner has reasonable ground of appeal.

Exemption of  
pauper  
Appellant  
from lodging  
security and  
paying Office  
fees.

9. Where a Petitioner obtains leave to appeal *in formâ pauperis*, he shall not be required to lodge security for the costs of the Respondent or to pay any Council Office fees.

10. A Petitioner whose Petition for leave to appeal *in forma pauperis* is dismissed may, notwithstanding such dismissal, be excused from paying the Council Office fees usually chargeable to a Petitioner in respect of a Petition for leave to appeal, if His Majesty in Council, on the advice of the Judicial Committee, shall think fit so to order.

Exemption of unsuccessful Petitioner for leave to appeal *in forma pauperis* from payment of Office fees.

*Record.*

11. As soon as an Appeal has been admitted, whether by an Order of the Court appealed from or by an Order of His Majesty in Council granting special leave to appeal, the Appellant shall without delay take all necessary steps to have the Record transmitted to the Registrar of the Privy Council.

Record to be transmitted, without delay.

12. The Record shall be printed in accordance with Rules I to IV of Schedule A hereto. It may be so printed either abroad or in England.

Printing of Record.

13. Where the Record is printed abroad, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council 40 copies of such Record, one of which copies he shall certify to be correct by signing his name on, or initialling, every eighth page thereof and by affixing thereto the seal, if any, of the Court appealed from.

Number of copies to be transmitted, where Record printed abroad.

14. Where the Record is to be printed in England, the Registrar shall, at the expense of the Appellant, transmit to the Registrar of the Privy Council one certified copy of such Record, together with an index of all the papers and exhibits in the case. No other certified copies of the Record shall be transmitted to the Agents in England by or on behalf of the parties to the Appeal.

One certified copy to be transmitted, where Record to be printed in England.

15. Where part of the Record is printed abroad and part is to be printed in England, Rules 13 and 14 shall, as far as practicable, apply to such parts as are printed abroad and such as are to be printed in England respectively.

Record printed partly abroad, partly in England.

16. The reasons given by the judge, or any of the judges, for or against any judgment pronounced in the course of the proceedings out of which the Appeal arises, shall by such judge or judges be communicated in writing to the Registrar and shall by him be transmitted to the Registrar of the Privy Council at the same time when the Record is transmitted.

Reasons for judgments to be transmitted.

17. The Registrar, as well as the parties and their Agents, shall endeavour to exclude from the Record all documents (more particularly such as are merely formal) that are not relevant to the subject-matter of the Appeal, and, generally, to reduce the bulk of the Record as far as practicable, taking

Exclusion of unnecessary documents from Record.

special care to avoid the duplication of documents and the unnecessary repetition of headings and other merely formal parts of documents; but the documents omitted to be printed or copied shall be enumerated in a list to be placed after the index or at the end of the Record.

Documents  
objected to  
to be indi-  
cated.

18. Where in the course of the preparation of a Record one party objects to the inclusion of a document on the ground that it is unnecessary or irrelevant, and the other party nevertheless insists upon its being included, the Record, as finally printed (whether abroad or in England), shall, with a view to the subsequent adjustment of the costs of and incidental to such document, indicate, in the index of papers, or otherwise, the fact that, and the party by whom, the inclusion of the document was objected to.

Registration  
and number-  
ing of Re-  
cords.

19. As soon as the Record is received in the Registry of the Privy Council, it shall be registered in the said Registry, with the date of arrival, the names of the parties, the date of the judgment appealed from, and the description whether "printed" or "written." A Record, or any part of a Record, not printed in accordance with Rules I to IV of Schedule A hereto, shall be treated as written. Appeals shall be numbered consecutively in each year in the order in which the Records are received in the said Registry.

Inspection of  
Record by  
parties.

20. The parties shall be entitled to inspect the Record and to extract all necessary particulars therefrom for the purpose of entering an Appearance.

Times within  
which a copy  
of a written  
Record shall  
be bespoken.

21. Where the Record arrives in England either wholly written, or partly written and partly printed, the Appellant shall, within a period of four months from the date of such arrival in the case of Appeals from Courts situate in any of the countries or places named in Schedule B hereto, and within a period of two months from the same date in the case of Appeals from any other Courts, enter an Appearance and bespeak a type-written copy of the Record, or of such parts thereof as it may be necessary to have copied, and shall engage to pay the cost of preparing such copy at the following rates per folio typed (exclusive of tabular matter)—1½*d.* per folio of English matter, 2*d.* per folio of Indian matter, and 3*d.* per folio of foreign matter.

Notice of  
Appearance  
by Appellant.

22. The Appellant shall forthwith, after entering his Appearance, give notice thereof to the Respondent, if the latter has entered an Appearance.

Preparation  
of copy of  
Record for  
Printer.

23. As soon as the Appellant has obtained the type-written copy of the Record bespoken by him, he shall proceed, with due diligence, to arrange the documents in suitable order, to

check the index, to insert the marginal notes and check the same with the index, and, generally, to do whatever may be required for the purpose of preparing the copy for the Printer, and shall, if the Respondent has entered an Appearance, submit the copy, as prepared for the Printer, to the Respondent for his approval. In the event of the parties being unable to agree as to any matter arising under this Rule, such matter shall be referred to the Registrar of the Privy Council, whose decision thereon shall be final.

24 As soon as the type-written copy of the Record is ready for the Printer, the Appellant shall lodge it, with a request to the Registrar of the Privy Council to cause it to be printed by His Majesty's Printer or by any other printer on the same terms, and shall engage to pay at the price specified in Rule V of Schedule A hereto the cost of printing 50 copies thereof, or such other number as in the opinion of the said Registrar the circumstances of the case require.

Lodging  
copy of  
Record for  
printing.

25 Whenever it shall be found that the decision of a Special Case. matter on appeal is likely to turn exclusively on a question of law, the parties, with the sanction of the Registrar of the Privy Council, may submit such question of law to the Judicial Committee in the form of a Special Case, and print such parts only of the Record as may be necessary for the discussion of the same: Provided that nothing herein contained shall in any way prevent the Judicial Committee from ordering the full discussion of the whole case, if they shall so think fit, and that, in order to promote such arrangements and simplification of the matter in dispute, the said Registrar may call the parties before him, and having heard them, and examined the Record, may report to the Judicial Committee as to the nature of the proceedings.

26 The Registrar of the Privy Council shall, as soon as the proof prints of the Record are ready, give notice to all parties who have entered an Appearance requesting them to attend at the Registry of the Privy Council at a time to be named in such notice in order to examine the said proof prints and compare the same with the certified Record, and shall, for that purpose, furnish each of the said parties with one proof print. After the examination has been completed, the Appellant shall, without delay, lodge his proof print, duly corrected and (so far as necessary) approved by the Respondent, and the Registrar of the Privy Council shall thereupon cause the copies of the Record to be struck off from such proof print.

Examination  
of proof of  
Record and  
striking off  
copies

27. Each party who has entered an Appearance shall be entitled to receive, for his own use, six copies of the Record.

Number of  
copies of  
Record for  
parties.

How costs  
of printing  
Record are  
to be borne.

28. Subject to any special direction from the Judicial Committee to the contrary, the costs of and incidental to the printing of the Record shall form part of the costs of the Appeal, but the costs of and incidental to the printing of any document objected to by one party, in accordance with Rule 18, shall, if such document is found on the taxation of costs to be unnecessary or irrelevant, be disallowed to, or borne by, the party insisting on including the same in the Record.

*Petition of Appeal.*

Times within  
which Peti-  
tion shall be  
lodged.

29. The Appellant shall lodge his Petition of Appeal—

(a) Where the Record arrives in England printed, within a period of four months from the date of such arrival in the case of Appeals from Courts situate in any of the countries or places named in Schedule B hereto, and within a period of two months from the same date in the case of Appeals from any other Courts;

(b) Where the Record arrives in England written, within a period of one month from the date of the completion of the printing thereof:

Provided that nothing in this Rule contained shall preclude an Appellant from lodging his Petition of Appeal prior to the arrival of the Record, if there are special reasons why it should be desirable for him to do so.

Form of  
Petition.

30. The Petition of Appeal shall be lodged in the form prescribed by Rule 47 hereinafter contained. It shall recite succinctly and, as far as possible, in chronological order, the principal steps in the proceedings leading up to the Appeal from the commencement thereof down to the admission of the Appeal, but shall not contain argumentative matter or travel into the merits of the case.

Service of  
Petition.

31. The Appellant shall, after lodging his Petition of Appeal, serve a copy thereof without delay on the Respondent, as soon as the latter has entered an Appearance, and shall endorse such copy with the date of the lodgment.

*Withdrawal of Appeal.*

Withdrawal  
of Appeal  
before Peti-  
tion of Ap-  
peal has been  
lodged.

32. Where an Appellant, who has not lodged his Petition of Appeal, desires to withdraw his Appeal, he shall give notice in writing to that effect to the Registrar of the Privy Council, and the said Registrar shall, with all convenient speed after the receipt of such notice, by letter notify the Registrar of the

Court appealed from that the Appeal has been withdrawn, and the said Appeal shall thereupon stand dismissed as from the date of the said letter without further Order.

33. Where an Appellant, who has lodged his Petition of Appeal, desires to withdraw his Appeal, he shall present a Petition to that effect to His Majesty in Council. On the hearing of any such Petition a Respondent who has entered an Appearance in the Appeal shall, subject to any agreement between him and the Appellant to the contrary, be entitled to apply to the Judicial Committee for his costs, but where the Respondent has not entered an Appearance, or, having entered an Appearance, consents in writing to the prayer of the Petition, the Petition may, if the Judicial Committee think fit, be disposed of in the same way *mutatis mutandis* as a Consent Petition under the provisions of Rule 56 hereinafter contained.

Withdrawal of Appeal after Petition of Appeal has been lodged.

*Non-Prosecution of Appeal.*

34. Where an Appellant takes no step in prosecution of his Appeal within a period of four months from the date of the arrival of the Record in England in the case of an Appeal from a Court situate in any of the countries or places named in Schedule B hereto, or within a period of two months from the same date in the case of an Appeal from any other Court, the Registrar of the Privy Council shall, with all convenient speed, by letter notify the Registrar of the Court appealed from that the Appeal has not been prosecuted, and the Appeal shall thereupon stand dismissed for non-prosecution as from the date of the said letter without further Order.

Dismissal of Appeal where Appellant takes no step in prosecution thereof.

35. Where an Appellant who has entered an Appearance—
- (a) fails to bespeak a copy of a written Record, or of part of a written Record, in accordance with, and within the periods prescribed by, Rule 21; or
  - (b) having bespoken such copy within the periods prescribed by Rule 21, fails thereafter to proceed with due diligence to take all such further steps as may be necessary for the purpose of completing the printing of the said Record; or
  - (c) fails to lodge his Petition of Appeal within the periods respectively prescribed by Rule 29;

Dismissal of Appeal for non-prosecution after Appellant's Appearance and before lodgment of Petition of Appeal.

the Registrar of the Privy Council shall call upon the Appellant to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar shall, with all convenient speed, by letter notify the Registrar of the Court



appealed from that the Appeal has not been effectually prosecuted, and the Appeal shall thereupon stand dismissed for non-prosecution as from the date of the said letter without further Order, and a copy of the said letter shall be sent by the Registrar of the Privy Council to all the parties who have entered an Appearance in the Appeal.

Dismissal of Appeal for non-prosecution after lodgment of Petition of Appeal.

36. Where an Appellant, who has lodged his Petition of Appeal, fails thereafter to prosecute his Appeal with due diligence, the Registrar of the Privy Council shall call upon him to explain his default, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar shall issue a Summons to the Appellant calling upon him to show cause before the Judicial Committee at a time to be named in the said Summons why the Appeal should not be dismissed for non-prosecution. Provided that no such Summons shall be issued by the said Registrar before the expiration of one year from the date of the arrival of the Record in England. If the respondent has entered an Appearance in the Appeal, the Registrar of the Privy Council shall send him a copy of the said Summons, and the Respondent shall be entitled to be heard before the Judicial Committee in the matter of the said Summons at the time named and to ask for his costs and such other relief as he may be advised. The Judicial Committee may, after considering the matter of the said Summons, recommend to His Majesty the dismissal of the Appeal for non-prosecution, or give such other directions therein as the justice of the case may require.

Restoring an Appeal dismissed for non-prosecution.

37. An Appellant whose Appeal has been dismissed for non-prosecution may present a Petition to His Majesty in Council praying that his Appeal may be restored.

*Appearance by Respondent.*

Time within which Respondent may appear.

38. The Respondent may enter an Appearance at any time between the arrival of the Record and the hearing of the Appeal, but if he unduly delays entering an Appearance he shall bear, or be disallowed, the costs occasioned by such delay, unless the Judicial Committee otherwise direct.

Notice of Appearance by Respondent.

39. The Respondent shall forthwith after entering an Appearance give notice thereof to the Appellant, if the latter has entered an Appearance.

Form of appearance where all the Respondents do not appear.

40. Where there are two or more Respondents, and only one, or some, of them enter an Appearance, the Appearance Form shall set out the names of the appearing Respondents.

41. Two or more Respondents may, at their own risk as to costs, enter separate Appearances in the same Appeal.

42. A Respondent who has not entered an Appearance shall not be entitled to receive any notices relating to the Appeal from the Registrar of the Privy Council, nor be allowed to lodge a Case in the Appeal.

Separate  
Appear-  
ances  
Non-appear-  
ing Respon-  
dent not  
entitled  
to receive  
notices or  
lodge Case.

43. Where a Respondent fails to enter an Appearance in an Appeal, the following Rules shall, subject to any special Order of the Judicial Committee to the contrary, apply:—

Procedure on  
non-appear-  
ance of  
Respondent.

(a) If the non-appearing Respondent was a Respondent at the time when the Appeal was admitted, whether by the Order of the Court appealed from or by an Order of His Majesty in Council giving the Appellant special leave to appeal, and it appears from the terms of the said Order, or Order in Council, or otherwise from the Record, or from a Certificate of the Registrar of the Court appealed from, that the said non-appearing Respondent has received notice, or was otherwise aware, of the Order of the Court appealed from admitting the Appeal, or of the Order of His Majesty in Council giving the Appellant special leave to appeal, and has also received notice, or was otherwise aware, of the despatch of the Record to England, the Appeal may be set down *ex parte* as against the said non-appearing Respondent at any time after the expiration of three months from the date of the lodging of the Petition of Appeal;

(b) If the non-appearing Respondent was made a Respondent by an Order of His Majesty in Council subsequently to the admission of the Appeal, and it appears from the Record, or from a Supplementary Record, or from a Certificate of the Registrar of the Court appealed from, that the said non-appearing Respondent has received notice, or was otherwise aware, of any intended application to bring him on the Record as a Respondent, the Appeal may be set down *ex parte* as against the said non-appearing Respondent at any time after the expiration of three months from the date on which he shall have been served with a copy of His Majesty's Order in Council bringing him on the Record as a Respondent:

Provided that where it is shown to the satisfaction of the Judicial Committee, by Affidavit or otherwise, either that an Appellant has made every reasonable endeavour to serve a non-appearing Respondent with the notices mentioned in clauses (a) and (b) respectively and has failed to effect such service, or that it is not the intention of the non-appearing Respondent to enter an Appearance to the Appeal, the Appeal may, without further Order in that behalf and at the risk of the Appellant, be proceeded with *ex parte* as against the said non-appearing Respondent.

Respondent  
defending  
Appeal *in*  
*forma*  
*pauperis*.

44. A Respondent who desires to defend an Appeal *in forma pauperis* may present a Petition to that effect to His Majesty in Council, which Petition shall be accompanied by an Affidavit from the Petitioner stating that he is not worth £25 in the world excepting his wearing apparel and his interest in the subject-matter of the Appeal.

*Petitions generally.*

Mode of  
addressing  
Petitions.

45. All Petitions for orders or directions as to matters of practice or procedure arising after the lodging of the Petition of Appeal and not involving any change in the parties to an Appeal shall be addressed to the Judicial Committee. All other Petitions shall be addressed to His Majesty in Council, but a Petition which is properly addressed to His Majesty in Council may include, as incidental to the relief thereby sought, a prayer for orders or directions as to matters of practice or procedure.

Orders on  
Petitions  
which need  
not be drawn  
up.

46. Where an Order made by the Judicial Committee does not embody any special terms or include any special directions, it shall not be necessary to draw up such Order, unless the Committee otherwise direct, but a Note thereof shall be made by the Registrar of the Privy Council.

Form of  
Petition.

47. All Petitions shall consist of paragraphs numbered consecutively and shall be written, type-written, or lithographed, on brief paper with quarter margin and endorsed with the name of the Court appealed from, the short title and Privy Council number of the Appeal to which the Petition relates or the short title of the Petition (as the case may be), and the name and address of the London Agent (if any) of the Petitioner, but need not be signed. Petitions for special leave to appeal may be printed and shall, in that case, be printed in the form known as Demy Quarto or other convenient form.

Caveat.

48. Where a Petition is expected to be lodged, or has been lodged, which does not relate to any pending Appeal of which the Record has been registered in the Registry of the Privy Council, any person claiming a right to appear before the

Judicial Committee on the hearing of such Petition may lodge a Caveat in the matter thereof, and shall thereupon be entitled to receive from the Registrar of the Privy Council notice of the lodging of the Petition, if at the time of the lodging of the Caveat such Petition has not yet been lodged, and, if and when the Petition has been lodged, to require the Petitioner to serve him with a copy of the Petition, and to furnish him, at his own expense, with copies of any papers lodged by the Petitioner in support of his Petition. The Caveator shall forthwith after lodging his Caveat give notice thereof to the Petitioner, if the Petition has been lodged.

49. Where a Petition is lodged in the matter of any pending Appeal of which the Record has been registered in the Registry of the Privy Council, the Petitioner shall serve any party who has entered an Appearance in the Appeal with a copy of such Petition, and the party so served shall thereupon be entitled to require the Petitioner to furnish him, at his own expense, with copies of any papers lodged by the Petitioner in support of his Petition. Service of  
Petition.

50. A petition not relating to any Appeal of which the Record has been registered in the Registry of the Privy Council, and any other Petition containing allegations of fact which cannot be verified by reference to the registered Record or any certificate or duly authenticated statement of the Court appealed from, shall be supported by Affidavit. Where the Petitioner prosecutes his Petition in person, the said Affidavit shall be sworn by the Petitioner himself and shall state that, to the best of the deponent's knowledge, information, and belief, the allegations contained in the Petition are true. Where the Petitioner is represented by an Agent, the said Affidavit shall be sworn by such Agent and shall, besides stating that, to the best of the deponent's knowledge, information, and belief, the allegations contained in the Petition are true, show how the deponent obtained his instructions and the information enabling him to present the Petition. Verifying  
Petition by  
Affidavit.

51. A Petition for an Order of Revivor or Substitution shall be accompanied by a certificate or duly authenticated statement from the Court appealed from showing who, in the opinion of the said Court, is the proper person to be substituted, or entered, on the Record in place of, or in addition to, a party who has died or undergone a change of status. Petition for  
Order of  
Revivor or  
Substitu-  
tion.

52. The Registrar of the Privy Council may refuse to receive a Petition on the ground that it contains scandalous matter, but the Petitioner may appeal, by way of motion, from such refusal to the Judicial Committee. Petition  
containing  
scandalous  
matter to be  
refused.

Setting down  
Petition. 53. As soon as a Petition is ready for hearing, the Petitioner shall forthwith notify the Registrar of the Privy Council to that effect, and the Petition shall thereupon be deemed to be set down.

Times within  
which set-  
down Peti-  
tions shall be  
heard. 54. On each day appointed by the Judicial Committee for the hearing of Petitions the Registrar of the Privy Council shall, unless the Committee otherwise direct, put in the paper for hearing all such Petitions as have been set down: Provided that, in the absence of special circumstances of urgency to be shown to the satisfaction of the said Registrar, no Petition, if unopposed, shall be so put in the paper before the expiration of three clear days from the lodging thereof, or, if opposed, before the expiration of ten clear days from the lodging thereof, unless, in the latter case, the Opponent consents to the Petition being put in the paper on an earlier day not being less than three clear days from the lodging thereof.

Notice to  
parties of  
day fixed for  
hearing  
Petition. 55. Subject to the provisions of the next following Rule, the Registrar of the Privy Council shall, as soon as the Judicial Committee have appointed a day for the hearing of a Petition, notify all parties concerned by Summons of the day so appointed.

Procedure  
where Peti-  
tion is con-  
sented to or  
is formal. 56. Where the prayer of a Petition is consented to in writing by the opposite party, or where a Petition is of a formal and non-contentious character, the Judicial Committee may, if they think fit, make their Report to His Majesty on such Petition, or make their Order thereon, as the case may be, without requiring the attendance of the parties in the Council Chamber, and the Registrar of the Privy Council shall not in any such case issue the Summons provided for by the last-preceding Rule, but shall with all convenient speed after the Committee have made their Report or Order notify the parties that the Report or Order has been made and of the date and nature of such Report or Order.

Withdrawal  
of Petition. 57. A Petitioner who desires to withdraw his Petition shall give notice in writing to that effect to the Registrar of the Privy Council. Where the Petition is opposed, the Opponent shall, subject to any agreement between the parties to the contrary, be entitled to apply to the Judicial Committee for his costs, but where the Petition is unopposed, or where, in the case of an opposed Petition, the parties have come to an agreement as to the costs of the Petition, the Petition may, if the Judicial Committee think fit, be disposed of in the same way *mutatis mutandis* as a Consent Petition under the provisions of the last-preceding Rule.

58. Where a Petitioner unduly delays bringing a Petition to a hearing, the Registrar of the Privy Council shall call upon him to explain the delay, and, if no explanation is offered, or if the explanation offered is, in the opinion of the said Registrar, insufficient, the said Registrar may treat the said Petition as set down and may, after duly notifying all parties interested by Summons of his intention to do so, put the Petition in the paper for hearing on the next following day appointed by the Judicial Committee for the hearing of Petitions for such directions as the Committee may think fit to give thereon.

Procedure where hearing of Petition unduly delayed

59. At the hearing of a Petition not more than one Counsel shall be admitted to be heard on a side.

Only one Counsel heard on a side in Petitions.

#### *Case.*

60. No party to an Appeal shall be entitled to be heard by the Judicial Committee unless he has previously lodged his Case in the Appeal: Provided that where a Respondent is merely a stakeholder or trustee with no other interest in the Appeal, he may give the Registrar of the Privy Council notice in writing of his intention not to lodge any Case, while reserving his right to address the Judicial Committee on the question of costs

Lodging of Case.

61. The Case may be printed either abroad or in England, and shall, in either event, be printed in accordance with Rules I to IV of Schedule A hereto, every tenth line thereof being numbered in the margin, and shall be signed by at least one of the Counsel who attends at the hearing of the Appeal or by the party himself if he conducts his Appeal in person.

Printing of case.

62. Each party shall lodge 40 prints of his Case.

Number of prints to be lodged.

63. The Case shall consist of paragraphs numbered consecutively and shall state, as concisely as possible, the circumstances out of which the Appeal arises, the contentions to be urged by the party lodging the same, and the reasons of appeal. References by page and line to the relevant portions of the Record as printed shall, as far as practicable, be printed in the margin, and care shall be taken to avoid, as far as possible, the reprinting in the Case of long extracts from the Record. The Taxing Officer, in taxing the costs of the Appeal, shall, either of his own motion, or at the instance of the opposite party, inquire into any unnecessary prolixity in the Case, and shall disallow the costs occasioned thereby.

Form of Case.

64. Two or more Respondents may, at their own risk as to costs, lodge separate Cases in the same Appeal.

Separate Cases by two or more Respondents.

Notice of  
lodgment of  
Case.

65. Each party shall, after lodging his Case, forthwith give notice thereof to the other party.

Case Notice

66. Subject as hereinafter provided, the party who lodges his Case first may, at any time after the expiration of three clear days from the day on which he has given the other party the notice prescribed by the last-preceding Rule, serve such other party, if the latter has not in the meantime lodged his Case, with a "Case Notice," requiring him to lodge his Case within one month from the date of the service of the said Case Notice and informing him that, in default of his so doing, the Appeal will be set down for hearing *ex parte* as against him, and if the other party fails to comply with the said Case Notice, the party who has lodged his Case may, at any time after the expiration of the time limited by the said Case Notice for the lodging of the Case, lodge an Affidavit of Service (which shall set out the terms of the said Case Notice), and the Appeal shall thereupon, if all other conditions of its being set down are satisfied, be set down *ex parte* as against the party in default: Provided that no Case Notice shall be served until after the completion of the printing of the Record and that it shall be open to the Taxing Officer, in adjusting the costs of the Appeal, to inquire, generally, into the circumstances in which the said Case Notice was served and, if satisfied that there was no reasonable necessity for the said Case Notice, to disallow the costs thereof to the party serving the same: Provided also that nothing in this Rule contained shall preclude the party in default from lodging his Case, at his own risk as regards costs and otherwise, at any time up to the date of hearing.

Setting down  
Appeal and  
exchanging  
Cases.

67. Subject to the provisions of Rule 43 and of the last-preceding Rule, an Appeal shall be set down *ipso facto* as soon as the Cases on both sides are lodged, and the parties shall thereupon exchange Cases by handing one another, either at the Offices of one of the Agents or in the Registry of the Privy Council, ten copies of their respective Cases.

#### *Binding Records, etc.*

Mode of  
binding  
Records, etc.,  
for use of  
Judicial  
Committee.

68. As soon as an Appeal is set down, the Appellant shall attend at the Registry of the Privy Council and obtain ten copies of the Record and Cases to be bound for the use of the Judicial Committee at the hearing. The copies shall be bound in cloth or in half leather with paper sides, and six leaves of blank paper shall be inserted before the Appellant's Case. The front cover shall bear a printed label stating the title and Privy Council number of the Appeal, the contents of the volume, and the names and addresses of the London Agents.

The several documents, indicated by incuts, shall be arranged in the following order: (1) Appellant's Case; (2) Respondent's Case; (3) Record; (4) Supplemental Record (if any); and the short title and Privy Council number of the Appeal shall also be shown on the back.

69. The Appellant shall lodge the bound copies not less than four clear days before the commencement of the Sittings during which the Appeal is to be heard.

Time within which bound copies shall be lodged.

#### *Hearing.*

70. As soon as the Judicial Committee have appointed a day for the commencement of the Sittings for the hearing of Appeals, the Registrar of the Privy Council shall, as far as in him lies, make known the day so appointed to the Agents of all parties concerned, and shall name a day on or before which Appeals must be set down if they are to be entered in the List of Business for such Sittings. All Appeals set down on or before the day named shall, subject to any directions from the Committee or to any agreement between the parties to the contrary, be entered in such List of Business and shall, subject to any direction from the Committee to the contrary, be heard in the order in which they are set down.

Notice to parties of date of commencement of Sittings; entering Appeals for hearing.

71. The Registrar of the Privy Council shall, subject to the provisions of Rule 42, notify the parties to each Appeal by Summons, at the earliest possible date, of the day appointed by the Judicial Committee for the hearing of the Appeal, and the parties shall be in readiness to be heard on the day so appointed.

Notice to parties of day fixed for hearing of Appeal.

72. At the hearing of an Appeal not more than two Counsel shall be admitted to be heard on a side.

Only two Counsel heard on a side in Appeals

73. In Admiralty Appeals the Judicial Committee may, if they think fit, require the attendance of two Nautical Assessors.

Nautical Assessors.

#### *Judgment.*

74. Where the Judicial Committee, after hearing an Appeal, decide to reserve their Judgment thereon, the Registrar of the Privy Council shall in due course notify the parties who attended the hearing of the Appeal by Summons of the day appointed by the Committee for the delivery of the Judgment.

Notice to parties of day fixed for delivery of Judgment.

#### *Costs.*

75. All Bills of Costs under the Orders of the Judicial Committee on Appeals, Petitions, and other matters, shall be

Taxation of costs.



referred to the Registrar of the Privy Council, or such other person as the Judicial Committee may appoint, for taxation, and all such taxations shall be regulated by the Schedule of Fees set forth in Schedule C hereto.

What costs  
taxed in  
England.

76. The taxation of costs in England shall be limited to costs incurred in England.

Order to  
tax.

77. The Registrar of the Privy Council shall, with all convenient speed after the Judicial Committee have given their decision as to the costs of an Appeal, Petition, or other matter, issue to the party to whom costs have been awarded an Order to tax and a Notice specifying the day and hour appointed by him for taxation. The party receiving such Order to tax and Notice shall, not less than 48 hours before the time appointed for taxation, lodge his Bill of Costs (together with all necessary vouchers for disbursements), and serve the opposite party with a copy of his Bill of Costs and of the Order to tax and Notice.

Power of  
Taxing  
Officer where  
taxation  
delayed  
through the  
fault of the  
party whose  
costs are to  
be taxed.

78. The Taxing Officer may, if he think fit, disallow to any party who fails to lodge his Bill of Costs (together with all necessary vouchers for disbursements) within the time prescribed by the last-preceding Rule, or who in any way delays or impedes a taxation, the charges to which such party would otherwise be entitled for drawing his Bill of Costs and attending the taxation.

Appeal from  
decision of  
Taxing  
Officer.

79. Any party aggrieved by a taxation may appeal from the decision of the Taxing Officer to the Judicial Committee. The Appeal shall be heard by way of motion, and the party appealing shall give three clear days' Notice of Motion to the opposite party, and shall also leave a copy of such Notice in the Registry of the Privy Council.

Amount of  
taxed costs  
to be inserted  
in His Ma-  
jesty's Order  
in Council.

80. The amount allowed by the Taxing Officer on the taxation shall, subject to any appeal from his taxation to the Judicial Committee and subject to any direction from the Committee to the contrary, be inserted in His Majesty's Order in Council determining the Appeal or Petition.

Taxation on  
the pauper  
scale.

81. Where the Judicial Committee directs costs to be taxed on the pauper scale, the Taxing Officer shall not allow any fees of Counsel, and shall only award to the Agents out-of-pocket expenses and a reasonable allowance to cover office expenses, such allowance to be taken at about three-eighths of the usual professional charges in ordinary Appeals.

Security to  
be dealt  
with as His  
Majesty's

82. Where the Appellant has lodged security for the Respondent's costs of an Appeal in the Registry of the Privy Council, the Registrar of the Privy Council shall deal with

such security in accordance with the directions contained in His Majesty's Order in Council determining the Appeal.

Order in Council determining Appeal directs.

*Miscellaneous.*

83. The Judicial Committee may, for sufficient cause shown, excuse the parties from compliance with any of the requirements of these Rules, and may give such directions in matters of practice and procedure as they shall consider just and expedient. Applications to be excused from compliance with the requirements of any of these Rules shall be addressed in the first instance to the Registrar of the Privy Council, who shall take the instructions of the Committee thereon and communicate the same to the parties. If, in the opinion of the said Registrar, it is desirable that the application should be dealt with by the Committee in open Court, he may, and if he receives a written request in that behalf from any of the parties, he shall put the application in the paper for hearing before the Committee at such time as the Committee may appoint, and shall give all parties interested Notice of the time so appointed.

Power of Judicial Committee to excuse from compliance with Rules.

84. Any document lodged in connection with an Appeal, Petition, or other matter pending before His Majesty in Council or the Judicial Committee, may be amended by leave of the Registrar of the Privy Council, but if the said Registrar is of opinion that an application for leave to amend should be dealt with by the Committee in open Court, he may, and if he receives a written request in that behalf from any of the parties, he shall put such application in the paper for hearing before the Committee at such time as the Committee may appoint, and shall give all parties interested Notice of the time so appointed.

Amendment of documents.

85. Affidavits relating to any Appeal, Petition, or other matter pending before His Majesty in Council or the Judicial Committee may be sworn before the Registrar of the Privy Council.

Affidavits may be sworn before the Registrar of the Privy Council.

86. Where a party to an Appeal, Petition, or other matter pending before His Majesty in Council changes his Agent, such party, or the new Agent, shall forthwith give the Registrar of the Privy Council notice in writing of the change.

Change of Agent.

87. Subject to the provisions of any Statute or of any Statutory Rule or Order to the contrary, these Rules shall apply to all matters falling within the Appellate Jurisdiction of His Majesty in Council.

Scope of application of Rules.

88. These Rules may be cited as the Judicial Committee Rules, 1908, and they shall come into operation on the 1st day of January 1909.

Mode of citation and date of operation.

## SCHEDULE A

*Rules as to Printing*

I. All Records and other proceedings in Appeals or other matters pending before His Majesty in Council, or the Judicial Committee, which are required by the above Rules to be printed, shall henceforth be printed in the form known as Demy Quarto (*i e*, 54 ems<sup>1</sup> in length and 42 in width).

II. The size of the paper used shall be such that the sheet, when folded and trimmed, will be 11 inches in height and 8½ inches in width.

III. The type to be used in the text shall be Pica type, but Long Primer shall be used in printing accounts, tabular matter, and notes.

IV. The number of lines in each page of Pica type shall be 47, or thereabouts, and every tenth line shall be numbered in the margin.

V. The price in England for the printing by His Majesty's Printer of 50 copies in the form prescribed by these Rules shall be 38s. per sheet (eight pages) of Pica with marginal notes, not including corrections, tabular matter, and other extras.

## SCHEDULE B

*Countries and places referred to in Rules 21, 29, and 34*

Australia (and the constituent States thereof).  
 Basutoland.  
 British East Africa.  
 British Honduras  
 British North Borneo  
 Brunei  
 Ceylon.  
 China.  
 Eastern African Protectorates.  
 Falkland Islands.  
 Federated Malay States.  
 Fiji.  
 Hong Kong.  
 India.  
 Mauritius.  
 New Zealand.  
 Persia.  
 Seychelles.  
 Somaliland Protectorate  
 Straits Settlements  
 Zanzibar.

## SCHEDULE C.

## I.

*Fees allowed to Agents conducting Appeals or other matters before the Judicial Committee of the Privy Council.*

	£	s.	d.
Retaining Fee . . . . .	0	13	4
Perusing written Record, at the rate of, for every 25 folios . . . . .	0	6	8
Perusing printed Record, at the rate of, for every printed sheet of 8 pages . . . . .	1	1	0
Attendances at the Council Office, or elsewhere, on ordinary business, such as to enter an Appearance, to make a search, to lodge a Petition or Affidavit, or to retain Counsel . . . . .	0	10	0

<sup>1</sup> There are 6 "Pica" ems to an inch. Therefore, the measurements given in this rule would be in inches, 9×7.—(Ed.)

	£	s.	d.
Attending at the Council Office to examine proof print of Record with the certified Record . . . . . <i>per diem</i>	3	3	0
Attending at the Council Chamber on Summons for the hearing of a Petition . . . . .	1	6	8
Attending at the Council Chamber all day on an Appeal not called on	2	6	8
Attending the Hearing of an Appeal . . . . . <i>per diem</i>	3	6	8
Attending a Judgment . . . . .	1	6	8
Correcting English proofs, at the rate of, for every printed sheet of 8 pages . . . . .	0	10	6
Correcting Foreign or Indian proofs, at the rate of, for every printed sheet of 8 pages . . . . .	1	1	0
Instructions for Petition . . . . .	0	10	0
Drawing petition Case, or Affidavit . . . . . <i>per folio</i>	0	2	0
Copying Petition. Case, or Affidavit . . . . . <i>per folio</i>	0	0	6
Instructions for Case . . . . .	1	0	0
Instructions to Counsel to argue an Appeal . . . . .	1	0	0
Instructions to Counsel to argue a Petition . . . . .	0	10	0
Attending Consultation . . . . .	1	0	0
Sessions Fee for each year or part of a year from the date of Appearance . . . . .	3	3	0
Drawing Bill of Costs . . . . . <i>per folio</i>	0	1	0
Copying Bill of Costs . . . . . <i>per folio</i>	0	0	6
Attending Taxation of Costs of an Appeal . . . . .	2	2	0
Attending Taxation of Costs of a Petition . . . . .	1	1	0

## II

*Council Office Fees*

Entering Appearance . . . . .	0	10	0
Lodging Petition of Appeal . . . . .	2	0	0
Lodging any other Petition . . . . .	1	0	0
Lodging Case . . . . .	1	0	0
Setting down Appeal (chargeable to Appellant only) . . . . .	2	0	0
Setting down Petition (chargeable to Petitioner only) . . . . .	1	0	0
Summons . . . . .	0	10	0
Committee Report . . . . .	1	10	0
Original Order of His Majesty in Council determining an Appeal . . . . .	4	0	0
Any other Original Order of His Majesty in Council . . . . .	2	0	0
Plain Copy of an Order of His Majesty in Council . . . . .	0	5	0
Original Order of the Judicial Committee . . . . .	1	10	0
Plain Copy of Committee Order . . . . .	0	5	0
Lodging Affidavit . . . . .	0	10	0
Certificate delivered to Parties . . . . .	0	10	0
Committee References . . . . .	2	0	0
Lodging Caveat . . . . .	1	0	0
Subpoena to Witnesses . . . . .	0	10	0
Taxing Fee in Appeals . . . . .	3	0	0
Taxing Fee in Petitions . . . . .	2	0	0

## CHAPTER V.

## REFERENCES TO A FULL BENCH.

I. Whenever one Division Court shall differ from any other Division Court upon a point of law or usage having the force of law, the case shall be referred for decision by a Full Bench.

II. If the question arise in an Appeal from an Appellate Decree, the Court referring the case shall state the point or points upon which they differ from the decision of a former Division Court and shall refer the Appeal for the final decision of a Full Bench.

III. If the question arise in an Appeal from an Original Decree, the questions of law shall alone be referred, and the Full Bench shall return the case with an expression of its opinion upon the points of law for final adjudication by the Division Court which referred it, and in case of necessity in consequence of the absence of any or either of the referring Judges, for the ultimate decision of another Division Court

IV. If the question arise in any matter coming before a Division Court in the exercise of its Civil Revisional Jurisdiction, the point or points shall be stated as provided in Rule II, and the matter shall be referred for the final decision of a Full Bench.

V. If the question arise in any case coming before a Division Court as a Court of Criminal Appeal, Reference, or Revision, the Court referring the case shall state the point or points on which they differ from the decision of a former Division Court, and shall

refer the case to a Full Bench for such orders as to such Bench may seem fit.

VI. Every decision of a Full Bench shall be treated as binding on all Division Courts, and Judges sitting singly, upon the point of law or usage having the force of law determined by the Full Bench, unless it be subsequently reversed by a Bench, specially constituted, consisting of such number of Judges as in each case shall have been fixed by the High Court, or unless a contrary rule be laid down by the Judicial Committee of the Privy Council.

NOTE—The judgment of the Court in all Civil and Criminal cases heard by a Full Bench is to be printed and distributed for information to all the Judges of the Court

## CHAPTER VI

## APPEALS UNDER SECTION 15 OF THE LETTERS PATENT

I. Every appeal to the High Court under Section 15 of the Letters Patent from a judgment of a Division Court on the Appellate Side of the High Court shall be presented to the Deputy Registrar within thirty days from the date of the judgment appealed from, unless the Court in its discretion, on good cause shown, shall grant further time.

II. Such appeals shall be written on paper of the same description as that prescribed for plaints.

III. The petition of appeal shall be in the English language, shall be drawn up in accordance with the provisions of Order XLI, rule 1, of the Code of Civil Procedure and shall be subscribed by an Advocate or Vakil of the Court.

IV. Separate Registers shall be opened by the Deputy Registrar for the entry of such appeals in the following form :—

No. of the appeal to the High Court, and the date on which it is filed.	No. of the original appeal to the High Court, date of the judgments of the Division Court appealed from, and names of the presiding Judges.	Appellants	Respondents.	Pleaders for Appellants	Pleaders for Respondents	Particulars of suit	Date of issue of notice for service on the Respondent.	Date on which the appeal is heard, and date of judgment of the Court.	Nature of the order passed

V. Immediately after such an appeal is filed and registered, the Deputy Registrar shall prepare a notice

of the appeal in form 1 of Appendix B, *post*, for service on the Respondent, and shall cause the notice to be served on the Vakil or any one of the Vakils who may have appeared for the Respondent in the appeal in which the judgment was given. In any case in which the Respondent may not have entered appearance in the appeal in which the judgment was given, the notice shall be served in the mode provided by law for the service of a notice in ordinary appeals.

VI. (a) In every appeal under Section 15 of the Letters Patent against the judgment of a Division Court on the Appellate side of the High Court, in which the value of the appeal exceeds Rs. 50, copies of the memorandum of appeal and of the judgments of the Judges shall be printed, and fifteen copies shall be prepared for use at the hearing.

(b) In every appeal under Section 15 of the Letters Patent against the judgment of a Division Court or of a Judge sitting singly on the Appellate side of the High Court, in which the value of the appeal does not exceed Rs. 50, copies of the Memorandum of Appeal and of the judgments or judgment shall be prepared in manuscript, and two copies shall be prepared for use at the hearing.

(c) No charge shall be levied from the parties on account of the preparation of these copies.

(d) The paper books prepared for use at the hearing of the appeal shall be used at the hearing of the appeal under Section 15 of the Letters Patent.



## CHAPTER VII.

## APPEALS FROM ORIGINAL DECREES.

I. Every petition of appeal shall be presented in the High Court to the Deputy Registrar, by the appellant in person, or by his recognized agent, or by a pleader appointed under the provisions of Order III, rule 4, of the Code of Civil Procedure, or by some person appointed in writing in each case by such pleader to present the same

II. (a) The memorandum of appeal shall be drawn up in the manner prescribed by Order XLI, rule 1, of the Code of Civil Procedure, and it shall be the duty of the Deputy Registrar to endorse thereon the date of presentation, and to satisfy himself that the appeal is in proper form, that the fees\* chargeable thereon have been paid, and that the appeal has been preferred within the period of limitation.

(b) Where all these particulars have been correctly observed, the Deputy Registrar shall admit the appeal and register it in the Register of Appeals from Original Decrees

III. In any case in which an appeal has been returned for amendment under Order XLI, rule 3, of the Code of Civil Procedure, it shall be the duty of the Deputy Registrar to attest the amendment by his signature.

IV. If the memorandum of appeal be not in the correct form, the Deputy Registrar shall return the petition of appeal with an endorsement thereon of his

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\* NOTE —The Hon'ble the Chief Justice has been pleased to declare that the Registrar of the High Court in its Appellate Jurisdiction shall be the Taxing Officer within the meaning of Section 5 of the Court-fees Act, VII of 1870, for the Appellate Side of the Court

objection, recording the fact in a book to be kept for the purpose.

V. In a matter dealt with under Rule IV, the appellant or his vakil may present the appeal to the Division Court hearing appeals from the Group to which the appeal belongs.

VI. (a) After an appeal has been registered, it shall be the duty of the Deputy Registrar to send a notice\* of the appeal without delay to the Lower Court from whose decision the appeal is preferred, and to call for the transmission, ordinarily within seven days, of the record and all material papers.

(b) Whenever it shall be impossible for the Lower Court to comply with the requisition within the time stated, such Court shall report the reason of its inability, and shall ask for such further time as may be necessary.

VII. The fee for the issue of the notice to the Respondent under Order XLI, rule 14, of the Code of Civil Procedure shall be paid into Court by the appellant in the manner prescribed in the Rules issued by the High Court under Clause 1 of Section 20 of the Court-fees Act, VII of 1870, and, on receipt thereof, it shall be the duty of the Deputy Registrar to transmit the notice to the Lower Court for service, together with the notice required by the preceding Rule.

VIII. The proceeding of the High Court calling for the record and transmitting the notices of appeal shall direct that the notices be served, and it shall be the duty of the Lower Court thereupon to cause service of the notices without the payment of any further fee, save

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\* For forms of notice see Forms Nos 2 and 3, Civil, pages 161 and 162, *post*

and except as provided in this rule (proviso 2) and without any further action by the appellant. (1) Provided that the appellant, or some one employed by him, may accompany the serving officer for the purpose of pointing out the residence of the Respondent : (2) Provided also that any additional fees for boat-hire or ferry-toll exigible under Rule (7) of the Rules framed by the High Court under clause (i) of Section 20 of the Court-fees Act, VII of 1870, shall be deposited by the appellant in the Court serving the notices.

IX. The time allowed for service of the notice shall be specified therein by the Deputy Registrar in accordance with the Table in Rule XV, and shall commence from the date on which it is despatched, which shall in general be within three days at the latest from the date on which the appeal is filed.

X. The Lower Courts shall issue all notices received for service immediately on receipt thereof, and in their returns of service shall, in every instance, insert the date of receipt by them of the notice, the date on which it was made over to the serving officer, and the date on which it was received back from him.

XI. Every return of service or of failure to serve the notice shall be accompanied by the affidavit or solemn declaration of the serving officer, specifying the fact and mode of service or the reason why service could not be effected in any of the modes allowed by law. It shall be the duty of the Lower Court to cause the notice to be served in sufficient time before the date fixed, and, if such service be impracticable, to state the reasons for which service cannot be effected, and thereupon a fresh date shall be fixed by the High Court.

In every case the Court making the return shall satisfy itself that a valid service has been made, or that there has been a failure of service, and shall certify such opinion to the High Court, with the reasons in case of failure of service.

XII. The date to be fixed for the hearing of the appeal shall be the 28th day after the date on which the time for the service of the notices expires, provided that such a day be not a Sunday or holiday, in which case the first business day afterwards shall be the day of hearing.

XIII. If there be several respondents to be served and they do not all reside in the same district, the time for service of the notices and for hearing shall be fixed with reference to that district for which the longest time is allowed in the Table in Rule XV.

XIV. In every instance, in which it shall appear that the Respondent, or any one of the Respondents, to be served, resides in any district other than that from which the appeal comes, the Deputy Registrar, in fixing the time for service and for the hearing of the appeal, shall add a sufficient time for sending the notice from the district from which the appeal comes to the district in which any notice is to be served, and the proceeding, issued under Rule VIII of this Chapter, shall direct the Court to which the notice is sent to forward it to the proper Court in the District in which such notice is to be served. The Court which serves any notice sent through the Lower Court shall make its return of service, or of the failure of service, (as the case may be) direct to the High Court, and shall be guided by Rules X and XI.

XV. The following Time Table shall be observed :—

*Time Table.*

District	Number of days allowed for service of notice of Appeal on the Respondent	District	Number of days allowed for service of notice of Appeal on the Respondent
Burdwan . . . .	23	Tippura . . . .	37
Birbhum . . . .	23	Noakhali . . . .	39
Bankura . . . .	23	Chittagong . . . .	35
Midnapur . . . .	27	Patna . . . .	31
Hooghly and Howrah . .	25	Gaya . . . .	33
24-Parganas . . . .	25	Shahabad . . . .	31
Nadia . . . .	29	Saran . . . .	31
Murshidabad . . . .	23	Muzaffarpur and Champaran	33
Jessore . . . .	29	Daibhanga . . . .	33
Khulna . . . .	29	Bhagalpur . . . .	31
Rajshahi . . . .	31	Monghyr . . . .	31
Dinajpur, Jalpaiguri and Darjeeling	31	Purnea . . . .	33
Rangpur . . . .	33	Cuttack . . . .	35
Patna and Bogra . . . .	31	Chota-Nagpur . . . .	40
Dacca . . . .	29	Manbhum, Singhbhum, and Sambalpur.	40
Mymensingh . . . .	35	Sylhet . . . .	35
Faridpur . . . .	32	Cachar . . . .	50
Bakarganj . . . .	35	Assam Valley Districts . .	50

XVI. On receipt of the record from the Lower Court, it shall be the duty of the Deputy Registrar to see that the Paper-book for the use of the High Court at the hearing of the appeal is prepared in accordance with the directions given in the following rule.

*Rules for the preparation of "Paper-books."*

XVII. The preparation of Paper-books in Appeals to the High Court from Original Decrees shall be regulated by the following Rules: Provided that the Division Court having jurisdiction over any parti-

cular Group may, for sufficient cause shown, pass any special order regarding the preparation of the Paper-book of any particular appeal belonging to that Group.

(1) Every party, who files an appeal in person, shall insert in his petition of appeal, or otherwise give in writing to the Deputy Registrar, an address within the Town of Calcutta or the Municipality of the Suburbs of Calcutta or that of Howrah, at which notices and other process in the appeal may be served upon him; and any notice or other process left for him at such address or sent thereto by registered letter shall be presumed to have been duly served upon such party.

(2) Upon receipt of the Record, the Deputy Registrar shall serve a notice upon the Appellant, requiring him to prepare and deliver to such Deputy Registrar a List of the papers to be inserted in the Paper-book at the expense of such Appellant. Such List shall be in the following form :—

Number on the record.	Mark (if any) in the Court below.	Description and date of Paper	Whether the whole, or portion, and (in case of a portion) what portion to be inserted in the Paper-book.	Page of Paper-book (to be filled in after)

(3) There shall be entered in such List all papers on which the decision of the appeal depends—  
What papers to be entered in the List

(i) The following papers shall be translated and printed in every case, and it shall be unnecessary to enter any of them in the List, *viz* :—

- (a) The Pleint, exclusive of Schedules;
- (b) Written Statements of parties;
- (c) Issues;
- (d) The Judgment and the Decree or Order against which the appeal is preferred,
- (e) The Grounds of Appeal.

(ii) It shall ordinarily be unnecessary to enter in the List any of the following papers, *viz* :—

- (a) Schedules;
- (b) Maps and plans in all cases other than *Char*, Partition, and Boundary cases;
- (c) Accounts, *Jama-wasil-baki*, and similar papers, except particular entries relevant for the decision of the appeal;
- (d) Leases, *Pattas*, *Kabuliats*;
- (e) Receipts, *Chalans*.

But any such paper shall be entered, if a reference thereto is necessary in order to the decision of the appeal.

(4) The Appellant shall, within thirty\* days after service of the notice required by sub-rule (2), deliver to the Deputy Registrar a List, prepared in accordance with sub-rules (2) and (3), of the papers to be inserted in the Paper book at his expense. Such List shall be termed "The Appellant's List."

Time for delivery of List by Appellant.

(5) As soon as such List is delivered to the Deputy Registrar, he shall, if the Respondent has appeared, give notice of such delivery to such Respondent.†

Notice to Respondent of delivery of Appellant's List.

(6) Every Respondent who has entered an appearance shall be entitled to inspect the Appellant's List, and, at his own expense, to obtain a copy of the whole or of any portion thereof.

Respondent may inspect and take copy of List.

(7) Every such Respondent shall, within thirty\* days after service upon him of the notice required by sub-rule (5), deliver to the Deputy Registrar a List in duplicate, in the form in sub-rule (2), of the papers, other than those inserted in the Appellant's List to which such Respondent desires that reference shall be made by the Court at the hearing of the appeal, and which shall be inserted in the Paper-book at such Respondent's expense. Such List shall be termed "The Respondent's List." When the Respondent intends to take any objection to the decree which he could have taken by way of appeal, and the taking of which is subject

Respondent's list of papers.

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\* See sub-rule (31), *post*.

† See Form No. 6, Civil, Appendix B, page 165. *post*.



to the proviso contained in Order XLI, rule 22, of the Code of Civil Procedure, any papers relevant to maintain this objection shall be included in such Respondent's List.

(8) If the Respondent consider that any paper or portion of a paper, which ought to have been inserted in the Appellant's List of papers under the provisions of sub-rule (3), has been omitted therefrom in violation of these provisions, he may, within fourteen days after service upon him of the notice required by sub-rule (5), and after giving notice to the Appellant of his intended application, apply to the Court for an order that such paper or portion of a paper be inserted in the List of such Appellant. When the Respondent, though he has not appealed against any part of the decree, intends to support such decree on any of the grounds decided against him in the Court below (Order XLI, rule 22, of the Code of Civil Procedure), he is entitled to have included in the appellant's list any papers relevant to such ground.

(9) If the Respondent do not enter an appearance, or do not deliver the List in duplicate directed by, and within the time prescribed by, sub-rule (7), and if no order be made under sub-rule (8), the Paper-book shall be prepared in accordance with the Appellant's List.

(10) When two or more Appellants or Respondents have the same interest in the appeal, one List only shall be required from all such Appellants or Respondents. Appellants or Respondents having

Application by Respondent for amendment of Appellant's List.

On Respondent's default, Paper-book to be prepared according to Appellant's List.

One List only to be delivered by two or more Appellants or Respondents having same interest.

separate interests shall deliver separate Lists. In such cases the principle of sub-rule (16) shall apply.

(11) If any of the papers, which must be inserted in the Appellant's List or in the Respondent's List, was previously printed in a former Paper-book, the fact of its having been so printed may be stated in the List in which such paper is inserted. But such papers shall nevertheless be printed unless the Court otherwise direct.

(12) No paper in the record of the case which is not inserted in the Appellant's or Respondent's List and printed in the Paper-book, shall be referred to at the hearing of the appeal without the special leave of the Court. But this rule shall not preclude the Court from referring to any paper to which it considers a reference necessary for the ends of justice.

(13) The Deputy Registrar shall, within twenty-one\* days after the delivery by the Appellant and the Respondent of their Lists respectively, make and deliver to such Appellant and to such Respondent separate Estimates of the cost of preparing their portions of the Paper-book. Such Estimates shall state separately the cost of transcribing, translating, examining, printing, etc., at the following rates, viz :—

(a) " estimating " at 10,000 Vernacular words per rupee :

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\* See sub-rule (31), *post*.

- (b) "translating" at 200 Vernacular words per rupee, three figures being counted as one word :
- (c) "examining translations" at 400 Vernacular words per rupee :
- (d) "transcribing" at 1,440 words per rupee :
- (e) "examining manuscripts" at 2,880 words per rupee :
- (f) "editing" the Paper-book, at eight annas per page. *N.B.*—"Editing" includes (i) arranging the papers for press; (ii) preparing the *Table of Contents* and the chronological index required by the Rules; (iii) examining and comparing "*proofs* with *copy*," such "*copy*" being the originals or authenticated copies of English papers, or ~~translations where the Rules provide for translations~~ : and the Editor is responsible that all the papers in the lists are accurately and completely produced in the Paper-book :

NOTE.—In preparing the chronological index of the exhibits or documentary evidence care should be taken to give a correct and full description of each document. The description, as furnished in the lists prepared by the Lower Courts or filed by the Vakils in the appeal in this Court, should not be relied upon, but the documents themselves should be consulted in order that a full and accurate description may be given in the chronological index.

- (g) "lithographing, drawing, or tracing maps" (where necessary) actual cost :

- (h) "printing" at fourteen annas per page.

- (14) (a) The Paper-book may, at the election of the Appellant, be prepared in the office of the High Court, or in that of the Appellant's Vakil or by any retired officer of the Court whom the Judges may deem fit to undertake such work

Paper-book may be prepared in office of High Court or of Appellant's Vakil, or by a retired officer of the Court approved by the Judges. Appellant to give notice of election.

and may nominate for the purpose. Notice of such election shall be given to the Deputy Registrar by the Appellant within twenty-one\* days after delivery to him of the estimate prepared in accordance with sub-rule (13). The Deputy Registrar shall thereupon make over one of the Respondent's duplicate Lists to the Appellant's Vakil, giving the Respondent notice thereof.

(b) A Vakil or retired officer of the Court undertaking the preparation of a Paper-book shall, when filing the notice of election required by this Rule, also file therewith a declaration to the effect that he is perfectly well acquainted with the vernacular and able to translate the vernacular portion of the record of the case in which such notice of election is filed; and that he will himself do the translation work in connection with the preparation of such Paper-book.

(c) Any notice of election filed without such declaration as aforesaid shall be returned to the Vakil or retired officer filing it.

(15) (a) In Appeals from districts other than the Districts of Rangpur, Mymensingh, Bakarganj, Tippera, Noakhali, Chittagong, Cuttack, Chota Nagpur, Assam and Cachar, the Appellants, save as hereinafter provided, and the Respondents shall, within thirty\* days after the delivery to them respectively, of the estimates prepared in accordance with sub-rule (13), deposit with the Accountant of the Court the amount of their respective estimates, other than the cost of printing, and the cost of printing shall be

Deposit by Appellant and Respondent of the amounts of their respective estimates

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\* See sub-rule (31), *post*

deposited immediately on the expiry of one-half of the time prescribed by sub-rule (18), for the preparation of Paper-books, such time to be computed from the date of the deposit by the Appellants and Respondents of the amount of the other items of their estimates.

(b) In appeals from the Districts of Rangpur, Mymensingh, Bakarganj, Tippera, Noakhali, Chittagong, Cuttack, Chota Nagpur, Assam and Cachar, the amount of the estimates, other than the cost of printing, shall be deposited by the Appellants, save as hereinafter provided, and by the Respondents within forty-five days after the delivery to them of their estimates, and the cost of printing shall be deposited immediately on the expiration of one-half of the time prescribed by sub-rule (18), for the preparation of Paper-books, such time to be computed from the date of the deposit by the Appellants and Respondents of the amount of the other items of their estimates. If

<p>Procedure where amount of deposit found to be insuffi- cient</p>	<p>it subsequently appear that the amount so deposited by either party to the appeal is insufficient to defray the cost of preparing his portion of the Paper- book, the Deputy Registrar shall estimate the addi- tional amount required and shall give notice thereof to such party. Such additional amount shall be deposited by such party with the Accountant of the Court within twenty-one days after service upon him of such notice. When the Appellant elects, under sub- rule (14), to have the Paper-book prepared in the office of his Vakild or by a retired officer of the Court specially authorised, it shall not be necessary for him to deposit the amount of his estimate.</p>
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Appellant may pay  
out of Court, when he  
elects to have Paper-  
book prepared in his  
Vakil's office or by a  
retired officer of the  
Court.

other than the charge for estimating and the cost of the examination of translations, with the Accountant of the Court, and he may make his own arrangement with such Vakil, or such officer, for payment of the cost of preparing the Paper-book.

(16) When separate appeals have been preferred by different persons against the same decree, complete Lists shall be delivered by the parties to each such appeal but the Deputy Registrar may, subject to the order of the Court, apportion between the parties concerned the cost of preparation in respect of any matter common to all or any of such parties. Printed copies of such common matter may be included in the Paper-book of each appeal, or such matter may appear in one Paper-book only, the other Paper-books containing references to the pages of such Paper-book in which such matter appears. This rule shall apply also when two or more separate appeals are preferred in analogous cases.

(17) If the Appellant fail to deliver his List of papers in accordance with sub-rule (4), or if the Appellant or Respondent fail to make the deposit or additional deposit required by sub-rule (15), the Deputy Registrar shall cause the appeal to be set down for hearing by the Division Court having jurisdiction in respect thereof; and such Court may, unless satisfied that there was reasonable ground for the default—in the case of default by the Appellant, direct the appeal to be dismissed for want of prosecution—and in the case of default by the Respondent, direct that

Apportionment of cost in respect of matter common to more than one appeal from same decree, or two appeals in analogous cases.

Procedure in case of default by Appellant or Respondent

the Paper-book be prepared in accordance with the Appellant's List, excluding the papers of the Respondent's List; or may pass such other order as may seem proper under the circumstances of the case.

(18) When the Appellant does not, within the twenty-one\* days allowed by sub-rule (14), elect to have the Paper-book prepared in the office of his Vakil or by a retired officer of the Court specially authorised, the Deputy Registrar shall proceed to have it prepared in the Office of the High Court, so that it may be ready within the following time from the date of the first deposit required to be made by the appellant under sub-rule (15), *i e.*, (a) when the Paper-book is estimated by the Deputy Registrar to consist of not more than 100 pages, within two months: (b) when the Paper-book is estimated by the Deputy Registrar to consist of more than 100 but not more than 200 pages, within three months: (c) in any other case, within four months. The Paper-book shall include the whole of the papers included in the Appellant's and Respondent's Lists. All papers which are not in English shall be translated into that language. Such translations and the original English papers shall be printed and arranged in the order prescribed by Rule XV of Chapter IV *ante* (Appeals to the Privy Council).—The papers shall be preceded by a table of contents with references to pages, including a chronological index of the Exhibits put in by both parties.

Preparation of the Paper-book in the Office of the High Court Mode of preparation and arrangement.

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\* See sub-rule (31), *post*.

NOTE (1).—The period occupied by the examiners of translations in examining the translations of the vernacular papers shall be deducted in calculating the time prescribed by this Rule for the preparation of Paper-books

NOTE (2).—The parties may, by consent given in writing, substitute the memorandum of evidence made by the Judge under Order XVIII, rule 8, of the Code of Civil Procedure for the translations of depositions recorded under Order XVIII, rule 5, of the same Code in language other than English

NOTE (3).—Maps forming part of a Paper-book shall be included in the Table of Contents, but shall not be bound up with the other papers in the Paper-book. Such maps shall be drawn or printed on durable paper and they shall form a separate packet with a separate list

(19) (a) In all cases, the translations of papers prepared for the purposes of the Paper-book, irrespective of the agency by which they may have been made, shall be examined and certified as correct by one of the examiners appointed by the Court for the purpose of examining and certifying translations in cases appealed to the Privy Council. The charge for such examination, which shall be payable to the examiners, shall be that laid down in clause (3) of sub-rule (13), and shall be deposited with the Accountant of the High Court.

(b) If in any case it appears to the Examiner that a translation has been very carelessly or inaccurately made, he shall report the matter to the Deputy Registrar, who shall submit such report to the Chief Justice through the Registrar, and the Chief Justice may take such action in the matter as he may deem fit.

(20) The Paper-book shall be printed in accordance with the following directions\* :—

(a) All Paper-books are henceforth to be printed in the form known as *demy quarto* :

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\* See also Schedule A to the rules under His Majesty's Order in Council, dated 21st December 1908 (inserted as an Appendix to Chapter IV), at page 44, *ante*.



- (b) The size of the paper used is to be such that the sheet, when folded, will be eleven inches in height and eight inches and-a-half in width :
- (c) The type to be used in the text is pica type; but long primer is to be used in printing accounts, tabular matter, and notes :
- (d) The number of lines in each page of pica type is to be forty-seven, each line being five inches and three-quarters, or 146 millimetres .
- (e) Every tenth line on each page shall be numbered—that is, the tenth line will be numbered 10, and the second tenth line 20, and so on.

(21) When the Appellant elects, within the twenty-

Preparation of the Paper-book in the office of the Appellant's Vakil or of any other person specially authorised Responsibility of such Vakil or other person.

one days\* allowed by sub-rule (14), to have the Paper-book prepared in the office of his Vakil, or any other person specially authorised by the High Court to undertake the preparation of Paper-books, such Vakil or other person shall proceed to have it prepared in accordance with the directions contained in sub-rules (18), (19) and (20), and he shall be responsible for its proper preparation : Such Vakil or other person shall be afforded all reasonable access to the original record in order to enable him to make transcripts of the papers and do other acts necessary to the preparation of the Paper-book, but he shall not be entitled to remove such original record from the office of the Deputy Registrar. Certi-

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\* See sub-rule (31), *post*

fied transcripts of the papers shall be furnished to him, if he so desire, upon payment of the usual rates.

NOTE (1) —Persons undertaking the preparation of Paper-books are expected themselves to deal with the original records made over to them, and are hereby prohibited from entrusting them to the care of any third persons. For the purposes of translating and copying documents, etc., the Vakil or other person, who has undertaken the preparation of the Paper-book in a case, will alone be permitted to have access to the original record of such case.

NOTE (2) —Each Vakil or other person entrusted with the preparation of a Paper-book shall be permitted to utilize the services of one reader or muharrir to assist him in such work. The Vakil or person preparing the Paper-book must, however, himself be present and continuously in possession of the record, and on his leaving the office, the record must be returned to the officer of the Court in charge, and the work of preparing the Paper-book must at once cease, the reader or muharrir leaving with his employer.

This rule must be literally interpreted and will be strictly enforced.

NOTE (3) —In the case of any Paper-book in which a map has to be inserted the Vakil or other person preparing such Paper-book shall be allowed to utilize, in addition to a reader or muharrir, the services of a draftsman who will be allowed access to the record on the same terms as the reader or muharrir.

(22) There shall be maintained in the office of the Registrar of the Court on the Appellate Side a Register of Vakils willing to undertake the preparation of Paper-books and of other persons specially authorised by the High Court. Any Vakil who has practised as such in the High Court for the period of three years and any Vakil who has practised in a Mufassal Court for not less than three years and in the High Court for not less than one year, may, upon application to such Registrar, have his name entered in this Register. No Vakil or other person whose name has not been so entered shall be allowed to prepare a Paper-book. A Division Court may direct any remarks to be entered in the said Register as to the mode in which the work of preparation of any particular Paper-book is done by any Vakil or other person, and may direct to be removed from such Register the name of any Vakil or other person who has shown negligence, incompetence,

Register of Vakils willing, and of other persons specially authorised, to undertake the preparation of Paper-books. Removal of name from the Register.

or want of due diligence in the preparation of a Paper-book undertaken by him.

(23) The Paper-book when so prepared under sub-rule (21) shall be delivered to the Deputy Registrar, within the time allowed to the Deputy Registrar by sub-rule (18) for the preparation of a Paper-book prepared in the office of the High Court. If the Paper-book be not delivered within the time so allowed, the Deputy Registrar shall cause the appeal to be set down for hearing before the Division Court having jurisdiction in respect thereof. And such Court may, unless satisfied that there was reasonable ground for such default, direct the appeal to be dismissed for want of prosecution, or may pass such other order as may seem proper under the circumstances of the case.

(24) There shall ordinarily be printed thirty copies of the Paper-book, but the Deputy Registrar may, when necessary, direct a larger number to be printed.

Consequence of failure of the Appellant's Vakil to deliver the prepared Paper-book to the Deputy Registrar within time allowed for preparation

Number of copies of Paper-book to be printed Disposal of copies.

The Appellant and Respondent shall be entitled to have, free of charge, as many copies as they have Advocates and Vakils engaged in the appeal. In any case they shall each be entitled to three copies. When the Paper-book has been prepared by the Appellant's Vakil or by any other person specially authorised he shall deliver to the Deputy Registrar the total number of copies printed less the number which he is entitled to have under this Rule: or he may upon request deliver to the Respondent the number of copies to which such Respondent is entitled under this Rule,

and deliver to the Deputy Registrar the remaining copies together with the Respondent's written receipt for the copies delivered to him.

NOTE.—The Deputy Registrar shall refuse to receive any Paper-book which does not contain a chronological index of the exhibits or documentary evidence

(25) The endorsement on every Paper-book prepared for the use of the High Court at the hearing of the appeal shall furnish the following information:—

- (a) The date of institution of the suit.
- (b) The date on which the appeal is filed.
- (c) The date on which the notice is sent out.
- (d) The date of service of notice.
- (e) The date on which the record is received from the Lower Court.
- (f) The date on which the translation of the record is sent to Press.
- (g) The date on which the appeal is ready for hearing and the Paper-book prepared.
- (h) The date on which the appeal is heard.

(26) In appeals in which the Respondent shall not have appointed a Vakil up to the date of the preparation of the Paper-book, an appendix containing the deposition of the serving officer and the return and the remarks of the Lower Court as to the service shall be added to the Paper-book either in transcript or translation according as they may be in English or in the Vernacular.

(27) (a) There shall be printed at the end of every Paper-book, and in the following form, a statement in which shall be specified each item of the costs incurred in its preparation by the Appellant and the Respondent respectively.

Specification of costs incurred by Appellant and Respondent in preparation of Paper-book.

	BY THE APPELLANT			BY THE RESPONDENT.		
	No. of pages.	Rate of charge.	Amount.	No of pages	Rate of charge.	Amount.
Estimating						
Translating, etc [as in sub-rule (13)]						

(b) Any surplus remaining after deducting the costs actually incurred by each party from the amount deposited with the Accountant of the Court shall be refunded upon request to the party by whom the deposit was made.

Refund of surplus  
deposit

(28) In the absence of a written contract between the Appellant or Respondent and the Vakil or other person referred to in sub-rule (21) in whose office a

Assessment of cost  
of preparing the  
Paper-book by the  
Taxing Officer of the  
Court.

Paper-book is prepared, the cost of preparing the Appellant's or Respondent's portion of the Paper-book may be assessed by the Taxing Officer of the Court: and such Taxing Officer shall assess it in accordance with the rates prescribed by sub-rule (13), upon demand by the party or the Vakil and after notice of the time and place at which he intends to make such assessment. The assessment of the Taxing Officer made under this Rule shall be binding upon the party and the Vakil. When there is a written contract between the Respondent and the Vakil in whose office the Paper-book is prepared concerning the charges to be made for preparing the Respondent's portion of the Paper-book, or when such Respondent has assented in writing to the charges made by such Vakil, or when such charges have been assessed by the Taxing Officer under this Rule, the Deputy Registrar may pay such charges out of the amount deposited by the Respondent with the Accountant of the Court, provided always that such charges are not in excess of the rates prescribed by sub-rule (13).

(29) The cost incurred in the preparation of the Paper-book, not exceeding the amount calculated at the rates prescribed in sub-rule (13), shall be

Cost of preparing  
Paper-book to be costs  
in the appeal

costs in the appeal, unless as to the whole or any portion thereof the Court which hears the appeal shall otherwise direct.

(30) A Division Court may, upon application and upon sufficient cause being shown, enlarge the time prescribed by these Rules for doing any act to be done under their provisions. An application for enlargement of time must ordinarily be made before the expiry of the prescribed time, and be supported by an affidavit of facts and also by a certificate of the Deputy Registrar showing the dates on which the acts prescribed by these Rules were done. Such certificate shall be granted upon payment of a fee of two rupees. A Division Court may also, upon application and upon sufficient grounds proved by affidavit, exempt any Appellant or Respondent from the operation of the whole or any part of these Rules, or may make such special order as it deems fit as to any matter with which these Rules are concerned. In case any affidavit to be used under this Rule is sent from the Mufassal and is in the Vernacular, it shall be accompanied by an English translation certified to be correct by a Vakil or a translator of this Court.

(31) An appeal against a grant or refusal of grant, or revocation, or refusal of revocation of Probate or Letters of Administration, shall be governed by these rules, subject, however, to the following alterations, namely, "fourteen days" shall be substituted for "thirty days" in sub-rules (4), (7) and (15), "seven days" shall be substituted for "twenty-one days" in sub-rules (13), (14), (18) and (21).

Rules to apply to appeals in cases of Probate or Letters of Administration.

(32) When these Rules direct or allow any act to be done by, or any notice to be given to, an Appellant or Respondent, such act may be done by, or such notice given to, the Vakil, or (where authorized in that behalf by the Rules of the High Court) the Mukhtar of such Appellant or Respondent.

XVIII. As soon as the Paper-book has been prepared by the Deputy Registrar, or, if prepared in the manner provided in sub-rule (21) of rule XVII, as soon as it has been delivered to the Deputy Registrar, the Deputy Registrar shall enter the appeal in the General List of the Division Court having jurisdiction in the Group to which the appeal belongs, and shall have such list hung up in the usual places in the Court House.

XIX. It shall be the duty of the Bench Clerk attached to each Division Court to transfer, from time to time, as required, from the General List to the Daily Peremptory List of the Division Court such appeals as are ready for hearing in the order in which they have been preferred: Provided that no appeal shall be entered in the Peremptory List until the expiry of seven days from its entry in the General List of appeals ready for hearing.

XX. On receipt of the finding of a Lower Court in a case referred under Order XLI, rule 25, of the Code of Civil Procedure, the Deputy Registrar shall notify to the Vakils of the parties that any objections to such finding must be filed within fourteen days from the date of the Notice.



XXI. (a) Whenever by an order of a Division Court, the decree or order of a Lower Court is modified or reversed, or costs are fixed in any special sum not specified in the judgment, it will be the duty of the particular Bench Clerk to require the Vakils of the parties concerned, or the parties, if acting in person, to consider the decree drafted, and, if approved, to sign it, or, if objected to, to state their objections without delay to the Judges of such Court.

(b) When any such decree is ready, a notice in the form reproduced as **Form 16 (Civil)** in Appendix B, at page 175, *post*, shall be issued by the Bench Clerk in charge of the decree, requiring the Vakils, or the parties, if acting in person, to attend at a given time at the end of the day after the rising of the Court, or on the following Saturday, for this purpose.

(c) If the Vakils or the parties fail to attend, the Bench Clerk shall report the matter for the orders of the Court, submitting the decree with his report.

XXII. (a) In drawing up decrees of this Court dismissing with costs appeals by minors, or dismissing with costs suits by minors, the Bench Clerks should be careful to make the next friend of the minor liable for such costs, unless the Court otherwise orders.

(b) In cases where the minor is Respondent and the decree of the Court below is reversed or altered, it shall be the duty of the Bench Clerk to call the attention of the Division Court to the fact that the Respondent is a minor, in order that special directions may be given as to the payment of costs.

XXIII. A copy of the Judgment and of the Decree passed by the High Court disposing of an appeal shall

be certified by the Deputy Registrar and forwarded by him to the Court which passed the decree appealed against in the manner prescribed by Order XLI. rule 37, of the Code of Civil Procedure.

XXIV. (a) Every Decree and Order made by the High Court, or by any Division Court or Judge of the High Court, shall be drawn up in the English language.

(b) In all cases in which any process shall be sent to a Lower Court, it shall be accompanied by a translation in the Bengali language except—

(1) in cases in which any Process shall be sent into one of the Districts named in the margin, when the translation shall be drawn up in the Hindi language written in the Kaithi character; and

(2) in cases in which any Process shall be sent into the three districts of Orissa and Sambalpur, when the translation shall be drawn up in the Uriya language.

Patna, Gaya, Shahabad,  
Muzaffarpur, Saran,  
Champaran, Darbhanga,  
Bhagalpur, Purnea,  
Hazaribagh, Ranchi, and  
Palamau.

## CHAPTER VIII.

## APPEALS FROM APPELLATE DECREES.

I. The Rules applying to appeals from Original Decrees (excepting Rule XVII) shall apply generally to appeals from Appellate Decrees except in so far as otherwise expressly provided.

II. When an appeal is preferred to the High Court against the Decree or Order passed in appeal by any Court subordinate to it, the memorandum of appeal shall be accompanied by a copy of the Judgment and Decree and Order as well of the Court in which the suit was originally tried as of the Court whose Decree or Order is appealed against.

III. When the same Appellant wishes to prefer more than one appeal against a judgment governing more than one case, the Division Court may dispense with the production of more than one copy of the Judgment under Order XLI, rule 1, of the Code of Civil Procedure.

IV. No petition of appeal from an Appellate Decree presented by any Vakil of the High Court shall be registered without an order of a Division Court unless the Vakil by whom the petition is presented shall sign a certificate at the foot of the petition in the following form :—

I, A B., Vakil for the abovenamed , do hereby certify that, in my judgment, the ground (or if there be several, each of the grounds) of appeal in the above petition presented by me on behalf of the said , is a good ground of second appeal.

*Dated the*

*day of*

V. No petition of appeal from an Appellate Decree presented by any party to the appeal shall be registered without an order of a Division Court before whom the party presenting the appeal shall appear in person.

VI. It shall be the duty of the Deputy Registrar to satisfy himself that every appeal from an Appellate Decree is correct as to form, stamp, and limitation, and then to register it in the Register of Appeals from Appellate Decrees.

VII. After receipt of the record from the Lower Court it shall be the duty of the Deputy Registrar to have the Paper-book for the use of the High Court at the hearing of the appeal prepared in accordance with the following rules for the preparation of Paper-books.

*Rules for the preparation of 'Paper-books' in Second Appeals exceeding Rs. 50 in value.*

VIII. (1) The Paper-book in all Appeals from Appellate Decrees, except appeals not exceeding Rs. 50 in value, will consist of the following papers; those not originally in the English language being translated into English :—

(a) The Plaint.

NOTE—Lengthy schedules and descriptions of boundaries appended to plaints may be omitted

(b) The Plaintiff's written statement, if any.

(c) The Defendant's written statement.

NOTE—When there are several sets of defendants in a suit the written statements of defendants, not parties to the Special Appeal either as appellants or respondents, may be omitted.

(d) Any documents upon the construction of which the determination of the appeal depends.

- (e) The Judgment of the First Court.
- (f) The Judgment of the Lower Appellate Court.
- (g) Any Judgments or Orders of Remand passed in the case either by the Lower Appellate Court in Appeal or by the High Court on Second Appeal.
- (h) The Memorandum of Second Appeal.
- (i) A front leaf containing the number of the cause, names of the Judges of the two Courts below, names of the parties and of their Vakils, date of the institution of the suit, date of the Judgment of the First Court, date of the Judgment of the Lower Appellate Court, date on which the Second Appeal was filed, date of service of notice upon the Respondents, and date on which the cause was ready for hearing.

(2) In each case of Second Appeal, the Deputy Registrar will cause to be printed 12 copies of the Paper-book as aforesaid.

(3) The Appellant, at the time of filing the Memorandum of Second Appeal, and the Respondent, at the time of entering appearance through a Vakil or Attorney of the High Court, shall each of them deposit with the Accountant the sum of Rs 7-8, and shall each of them be entitled to one copy of the Paper-book, free of charge.

(4) If it shall be ascertained at any time that the sum deposited in any case will not cover the costs actually, or likely to be, incurred, the difference shall be deposited by the Appellant within two weeks after demand.

(5) In case of any party failing to make the necessary deposit under sub-rules (3) and (4), the Deputy Registrar shall at once cause the appeal to be set down before the Division Court to which it belongs; and if the party does not satisfy the Court as to his delay, his appeal may be dismissed for want of prosecution, or the Court may pass such other order as it may deem proper.

(6) When the case is ready for hearing, the Deputy Registrar will furnish the Vakils or Attorneys engaged on either side with copies of the Paper-book, for which deposit shall have been made as aforesaid. The issue of Paper-books to the Vakils or Attorneys will be notice to them that the case is ready for hearing

(7) No Memorandum of Second Appeal filed through a Vakil or Attorney of the High Court, nor a first vakalatnama or power-of-attorney for the appearance of a Respondent, will be admitted or received, unless, at the time of presentation, the deposit has been made with the Accountant under sub-rule (3) :

Provided that any second or other vakalatnama or power-of-attorney for the appointment of new Vakils or Attorneys, or re-appointment of former Vakils or Attorneys by representatives of deceased parties, may be filed without such deposit.

(8) An account shall be kept of so much of the actual cost of preparing and printing the Paper-book in each Second Appeal as is chargeable to the parties, and the Appellant and Respondent shall be each of them entitled to a refund in equal shares of the excess of the sum paid by them jointly over the said actual costs.

(9) Additional Paper-books supplied at the request of the parties shall be charged for.

(10) In cases governed by one judgment, the Court, on application, will make a special order.

(11) The Court may, upon the application of any party, and upon good and sufficient reason shewn, give such special directions as to any of the matters to which these rules relate as may seem fit; and may by special order exempt any party from the operation of any portion of these rules.

*Rules for the preparation of 'Paper-books' in Second Appeals not exceeding Rs. 50 in value.*

IX. (1) In second appeals under Rs. 50 in value the Paper-book shall consist of the following papers :—

(a) Judgment of the First Court.

(b) Judgment of the Lower Appellate Court.

(c) Memorandum of Appeal to the High Court.

(d) In cases in which the case has been remanded either to the First Court by the Lower Appellate Court, or to the Lower Appellate Court by the High Court, the order remanding the case, and the judgment or order passed on such remand.

(2) The Deputy Registrar shall cause two copies of the Paper-book as aforesaid to be prepared in manuscript.

(3) No charge shall be levied from the parties on account of the preparation of the Paper-book.

## CHAPTER IX.

## APPEALS FROM ORDERS.

I. The rules applying to appeals from Original Decrees shall apply generally to Appeals from Orders, excepting Rule XVII, which shall apply so far only as is specially provided in this Chapter :

Provided that in every appeal from an interlocutory order made in the course of a suit and coming under Clauses (*q*), (*r*) and (*s*) of rule 1, Order XLIII, of the Code of Civil Procedure, the Deputy Registrar shall only call for from the Lower Court copies of the plaint, of the written statements, if any, of the order-sheet, and of the papers directly relating to the interlocutory proceeding under appeal. The parties to the appeal will, however, be at liberty to apply to the Court for a special order for the transmission of any other papers or copies thereof.

II. It shall be the duty of the Deputy Registrar to enter Appeals from Orders after admission in the Register of Appeals from Orders.

III. In the case of—

- (1) Appeals from Orders of the Lower Appellate Courts remanding cases for re-trial, and
- (2) Appeals from the Orders of the Lower Courts made on remand by the High Court, there shall be added at the foot of every Memo-



random of appeal a note to the following effect :—

NOTE—This appeal is from an Order of the Lower Appellate Court dated \_\_\_\_\_, remanding the case for retrial under Section \_\_\_\_\_ of the Code of Civil Procedure.

or  
This appeal is from an Order of the Lower Appellate Court (or Court of First Instance as the case may be) made on remand by the High Court dated \_\_\_\_\_.

IV. Such appeals shall have precedence over other appeals in the preparation for hearing and shall, when ready, be placed on a special board of appeals for hearing.

V. When an order has been made by a Division Court under Order XLI, rules 23 and 27, of the Code of Civil Procedure, the Deputy Registrar shall make a note of the same in a Register to be kept for the purpose; and he shall bring to the notice of the Division Court any case in which the Lower Court shall not have made a return to the Order of Remand within four months or within such time as may have been specially ordered.

VI. In the event of any omission on the part of the Vakil to append to the Memorandum of appeal a note in the terms required by Rule III, it shall be the duty of the Deputy Registrar to bring such omission to the notice of the Division Court before which the appeal is pending, and it will be for the Division Court to decide whether, as a penalty for such omission on the part of the Vakil, any costs to which his client may otherwise become entitled should not be withheld.

*Rules for the preparation of ' Paper-books ' in Appeals from Orders.*

VII. The rules for the preparation of Paper-books in Appeal from Original Decrees prescribed in Rule

XVII of Chapter VII, with the exception of sub-rules (3), (14), (21), (22), (23), (25), (26), and (28), shall apply to every First Appeal from an Order (including an order under Section 47 of the Code of Civil Procedure) passed by a Provincial Civil Court, not being an order under Order XLI, rule 23, of the same Code, with the following modifications, *viz.*:—

- (1) that the Paper-book shall be prepared in the Court's office and the Appellant may elect to have it prepared in manuscript, lithographed or printed; that such election shall be made at the time of filing his list under sub-rule (4); and that "twelve" copies only of the Paper-book shall be required instead of "thirty" as prescribed in sub-rule (24);
- (2) that "fourteen" days shall be substituted for "thirty" days in sub-rules (4) and (7); that "fourteen" days shall be substituted for "twenty-one" days in sub-rule (13), and that "twenty-one" days shall be substituted for "thirty" days in sub-rule (15), except in regard to appeals from districts specially dealt with in sub-rule (15), in which cases the time allowed will be thirty days;
- (3) and that for the papers specified in sub-rule (18) the following shall be substituted—
  - (a) the application or proceeding on which the order appealed against was passed;
  - (b) the petition, if any, filed in answer;

- (c) the evidence, oral or documentary, which may have been taken or put in with reference to the application or proceeding and which is necessary for the decision of the appeal;

*N B* —The parties may, by consent given in writing, substitute the memorandum of the evidence made by the Judge under Order XVIII, rule 8, of the Code of Civil Procedure for the translations of depositions recorded under Order XVIII, rule 5, of the same Code in language other than English

- (d) the order appealed against;
- (e) any other papers, to which reference may be necessary for the decision of the appeal;
- (f) the memorandum of appeal.

*N B* —No charge shall be made for the copies of (d) and (f)

VIII. (1) In Second Appeals from Orders (including orders under Section 47 of the Code of Civil Procedure), irrespective of the value of such appeals, and in Appeals from Remand Orders under Order XLI, rule 23, of the same Code in which the valuation of the appeal does not exceed Rs 50, the Paper-book shall consist of—

(a) the Judgment or Judgments of the Lower Court or Courts;

(b) the Memorandum of Appeal to the High Court.

(2) The Deputy Registrar shall cause two copies of the Paper-book as aforesaid to be prepared in manuscript.

(3) No charge shall be levied from the parties for the preparation of the Paper-book.

IX. In appeals from Remand Orders under Order XLI, rule 23, of the Code of Civil Procedure, in which the valuation of the appeal exceeds Rs. 50, the Paper-book shall be prepared in accordance with the rules relating to the preparation of Paper-books in appeals from Appellate Decrees in which the valuation of the appeal exceeds Rs. 50.

## CHAPTER X.

## REVIEWS OF JUDGMENT.

I. Every application for Review of Judgment shall set forth plainly and concisely the grounds on which a Review is sought, and shall contain a certificate by an Advocate or Vakil of the Court similar, *mutatis mutandis*, to that prescribed in appeals from Appellate Decrees.

II. Every application for Review shall be accompanied by a copy of the Judgment or Order complained of; and when the application proceeds on the ground of a discovery of fresh evidence, the documents, if any, relied upon, shall be annexed to the application, together with an affidavit setting forth the circumstances under which such discovery has been made.

III. Every application for Review of Judgment shall be presented to the Deputy Registrar, who will certify thereon whether the petition is in due form, within time, and properly stamped, or that it is irregular, and shall return the petition with such certificate.

IV. Within seven days from the date of such certificate, the applicant, either in person or by a Vakil or Advocate, shall present the application by way of Motion in open Court to the Division Court of whose judgment a Review is sought; or, if the Judges of such Division Court be not sitting together, to the senior of such Judges who may be then attached to the Court and present.

V. If an application for Review of a Judgment cannot be heard in the manner provided in Order XLVII, rule 5, of the Code of Civil Procedure, such application shall be presented by the applicant or his Advocate or Vakil with the certificate of the Deputy Registrar, as required by Rule IV, to the Chief Justice, who shall provide for the hearing of the application.

VI. The Bench *amla*, who prepares the records of the decided appeals for despatch, shall detain the record of every appeal until the time allowed for applications for Review of Judgment shall have elapsed; and, if such an application shall have been made, until it has been disposed of. The record shall then be returned forthwith, except in cases where the value exceeds Rs. 10,000, in which cases the records shall be detained for six months; and if an appeal to His Majesty in Council shall have been preferred, then until such appeal shall have been disposed of.

## CHAPTER XI.

## GENERAL RULES FOR APPEALS.

*Applications.*

I. Applications made to the High Court shall be governed by the following rules:—

- (1) Every application to the High Court shall be in writing, and if founded on any statement of fact, shall set out the material facts, matters, and circumstances on which the applicant relies.
- (2) Every such petition shall be neatly and legibly written on paper of foolscap size with a margin of two inches, and shall contain about 20 lines in each full page. The petition shall be divided into paragraphs and numbered consecutively.
- (A) The facts stated in such petition shall be verified by the solemn affirmation of the petitioner or by an affidavit to be annexed to the petition.

NOTE —The affidavit may be by any person having cognizance of the facts stated. Several persons may join in an affidavit, each deposing separately to those facts which are within his own knowledge.

- (4) It will not be necessary to set out in the petition or in the affidavit any document which is part of a record, present in the High Court, nor will it be necessary to produce any affidavit of any facts found, in the course of the suit or proceeding out of

which the appeal arises, by the High Court or any of the Lower Courts, provided that such finding has not been reversed on appeal : but the petition shall state shortly all facts upon which it is intended to rely, and shall give the number, letter, title, or other description of all documents on the record, present in the High Court. to which it is intended to refer.

- (5) When the applicant desires that any documents in a record, present in the High Court, shall be produced at the hearing in order that they may be referred to by the Court, he shall, before half-past ten in the forenoon of the day on which such documents are required, give notice to produce them to the officer of the High Court in charge of the record. Unless by a special order of the Court documents will not be produced from the record-room during the sitting of the Court.
- (6) In all cases in which service of notice on the opposite party is necessary, if such notice has not been duly served, the hearing of the application (except in cases of urgency) shall be postponed, unless the parties entitled to notice are present and willing to proceed at once. In all cases the parties opposing the application shall be at liberty to apply for a postponement in order to answer the affidavits or for any other good and special cause.



- Affidavits.*

(1) Every affidavit to be used in a Court of Justice shall be entitled "In the Court of \_\_\_\_\_ at \_\_\_\_\_", naming such Court.

- (2) If there be a cause in Court, the affidavit in support of, or in opposition to, an application respecting it shall also be entitled in the cause.
- (3) If there be no cause in Court, the affidavit shall be entitled "In the matter of the petition of \_\_\_\_\_."
- (4) Every affidavit containing any statement of fact shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct portion of the subject.

- (5) Every person, other than a plaintiff or defendant in a suit in which the application is made, making any affidavit, shall be described in such a manner as will serve to identify him clearly, that is to say, by the statement of his full name, the name of his father, his profession or trade, and the place of his residence.
- (6) When the declarant in any affidavit speaks to any fact within his own knowledge, he shall do so directly and positively, using the words "I affirm" (or "make oath") "and *say*."
- (7) When the particular fact is not within the declarant's own knowledge, but is stated from information obtained from others, the declarant shall use the expression "I am informed," and, if such be the case, should add "and verily believe it to be true," or he may state the source from which he received such information. When the statement rests on facts disclosed in documents or copies of documents procured from any Court of Justice or other source, the deponent shall state what is the source from which they were procured, and his information, or belief, as to the truth of the facts disclosed in such documents.
- (8) Every person making an affidavit, if not personally known to the Commissioner, shall be identified to the Commissioner by some person known to him, and the Commis-

sioner shall specify at the foot of the petition, or of the affidavit (as the case may be), the name and description of him by whom the identification is made, as well as the time and place of the identification, and of the making of the affidavit.

- (9) If any person making an affidavit shall be ignorant of the language in which it is written, or shall appear to the Commissioner to be illiterate, or not fully to understand the contents of the affidavit, the Commissioner shall cause the affidavit to be read and explained to him in a language which both he and the Commissioner understand, either doing so himself, or causing another person to do so in his presence. When any affidavit is read and explained as herein provided, the Commissioner shall certify in writing at the foot of the affidavit that it has been so read or explained, and that the declarant seemed perfectly to understand the same at the time of making the affidavit.
- (10) In administering oaths and affirmations to declarants, the Commissioner shall be guided by the provisions of the Oaths Act, X of 1873. The following forms are to be used :—

*Oath.*

I swear that this my declaration is true, that it conceals nothing, and that no part of it is false, so help me God.

*Affirmation.*

I solemnly declare that this my declaration is true, that it conceals nothing, and that no part of it is false.

*Miscellaneous.*

III Except under the special orders of a Division Court, no document being an exhibit to an affidavit or verified petition, or the materials for any application, shall be given back unless the document be an original document, in which case it may be taken back on an order of the Court, a certified copy being retained.

IV. Applications under Order XXII of the Code of Civil Procedure shall be made in open Court to the Division Court hearing appeals from the Group to which the case belongs.

V. Applications for leave to appeal *in formâ pauperis* shall be presented in open Court to the Division Court hearing appeals from the Group to which the case belongs, in accordance with the provisions of Order XLIV of the Code of Civil Procedure.

VI. Every petition of appeal, whether against an Original Decree, or against an Appellate Decree, or against an Order, which may not have been filed within the limited period of 90 days, or accompanied by the copies of the decrees, or of the judgments and decrees, as required by law, or in respect of which any indulgence is asked, shall be presented by way of Motion in open Court to the Division Court taking appeals from the Group to which the appeal belongs, and such Division Court shall at once proceed to pass thereon such order as the case may require.

VII. No Vakil shall receive instructions from any person other than a Vakil, an Attorney, an enrolled

Mukhtar of the Court, or the party himself, or a person holding a general power-of-attorney from him; or his servant, or relation, or a Pleader of the Mufassal Court, specially authorized in writing in that behalf, and if there are more parties than one, from one of them, similarly authorized, unless they appear by one and the same *vakalatnama*. When any *vakalatnama* is filed by a Vakil, he shall endorse on the back of it the name of the person from whom it is received, and if such person is neither the client himself, nor a Vakil, Attorney or enrolled Mukhtar, shall state the nature of the authority, with date, of that person.

VIII. When a Vakil, retained to appear for any party to a suit or an appeal, is prevented by sickness or engagement in another Court, or for any other sufficient cause, from appearing and conducting the case of his client, he may appoint another Vakil to appear in his place, so that his client may not be unrepresented at the hearing, but such Vakil shall not so appear unless he shall have first obtained the special permission of the Division Court.

IX. In any case in which the party employing a Vakil, or his agent, after due notice, fails to pay the amount of the estimated costs for preparing briefs containing the papers connected with the case on appeal necessary to enable the Vakil to conduct the case properly, the Vakil or Vakils, after notice to such party or his agent, or by leave of the Court, may withdraw from the case.

X. A Vakil may also, for any other sufficient cause, or after such notice to his client as may enable him to appoint another Vakil, by leave of the Court, but not

otherwise, and on such terms as the Court may order as to refunding any fees he may have received, withdraw from the further conduct of the case.

XI. The Deputy Registrar shall attest all *rakalat-namas* and *mukhtaranamas* in all cases in the High Court in its Appellate Jurisdiction.

XII. The Deputy Registrar shall bring to the notice of the Division Court any wilful neglect on the part of any Vakil or Mukhtar attached to the High Court to attend at his office.

XIII. The Deputy Registrar shall address the Lower Courts by letter with regard to all matters not requiring a judicial order of the Court.

XIV. The Deputy Registrar shall dispose of all returns to orders of the Court in which a reference to the Court for special orders is not required.

XV. The Deputy Registrar shall see that the proceedings and other processes of the Court are issued without delay, and that reminders and calls for explanation are despatched, whenever the return of the Lower Court is not made within the prescribed period.

XVI. The Deputy Registrar shall note any irregularity committed by the Lower Courts in the preparation and endorsement of the decrees of their Courts, and submit his report of such irregularity to the Division Court.

*Note—The following instructions have been issued to Subordinate Courts in matters connected with Appeals to the High Court —\**

† (1) Records of execution cases sent up in appeal to the High Court shall be invariably submitted complete,—that is, all the papers connected with them in the Lower Courts, whether Original or Appellate, should be sent up, so that they may be at hand, in case the Court should find it necessary to refer to them.

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\* See Volume I, R. and O. (Civil), Chapter III, Rules 72 and 73, and Chapter XIV, Rules 2 to 5.

† C. O. No. 5 of 4th February 1867.

\* (2) In Civil cases sent up to the High Court in appeal, in which the preparation of maps may have been necessary for the elucidation of any points of importance, such maps should be pasted upon cloth before being despatched with the records

†(3) The transmission of Vernacular papers to the High Court should be discontinued as much as possible

(a) No letter should be addressed to the Court under cover of which a Vernacular paper (*e g* , Judicial Proceeding, report of a Subordinate Ministerial Officer and such like) is merely forwarded

(b) Reports of Subordinate Ministerial Officers are obviously intended only for the superior Officer to whom they may be addressed, and should not ordinarily be transmitted to the Court either in original or by copy. If it be necessary, when addressing the Court regarding the subject-matter of any such report, to forward either the original or a copy of the report, the contents should be embodied in the accompanying English letter

(c) No vernacular paper should be addressed to the Court unless it refers to some Judicial Proceeding before the Court, or is a copy of some proceeding forming part of some Judicial record. In such a case the Vernacular paper should be sent with a short memorandum written on the face of it

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\* C. O. No 2 of 14th January 1867, modified 1910

† C. O. No 13 of 10th May 1864, amended 1902

## CHAPTER XII.

## CRIMINAL BUSINESS.

*References under Section 307 of the Code of Criminal Procedure*

I. On receipt of a reference under Section 307 of the Code of Criminal Procedure, the Registrar shall at once give notice to the prisoner through the District Magistrate of the date fixed for hearing such matter, which date shall be determined in accordance with the table prescribed by Rule II of this Chapter.

II. The following Time Table shall be observed in fixing the time to be allowed for the appearance of Counsel, service of notice, etc., in all criminals cases coming before the High Court on appeal, reference or revision :—

*Time Table.*

[This table came into force on the 1st July 1904.]

Division.	District.	Number of days allowed by the High Court in Criminal appeals from date of receipt of petition of appeal for appearance of appellant, or his Counsel, or authorised Agent (Sections 421 and 422, Criminal Procedure Code).	
		Section 421	Section 422.
Burdwan.	<div><div><div>Burdwan . . . . .</div><div>Buabhum . . . . .</div><div>Bankura . . . . .</div><div>Midnapur . . . . .</div><div>Hooghly and Howrah . . . . .</div></div></div>	7	14



*Time Table—contd*

[This table came into force on the 1st July 1904]

Division	District.	Number of days allowed by the High Court in Criminal appeals from date of receipt of petition of appeal for appearance of appellant, or his Counsel, or authorised Agent (Sections 421 and 422, Criminal Procedure Code)	
		Section 421	Section 422
Presidency	24-Parganas including Calcutta Nadia . . . . Murshidabad . . . . Jessore . . . . Khulna . . . .	7	14
Patna	Patna . . . . Gaya . . . . Shahabad . . . .	7	14
Tirhut	Saran . . . . Muzaffarpur and Champaran . . . . Darbhanga . . . .	7	14
Bhagalpur	Bhagalpur . . . . Monghyr . . . . Purnea . . . . Sonthal Parganas . . . .	7	14
Orissa	Cuttack . . . . Balasore . . . . Puri . . . .	7	14
Chota Nagpur (and Sambalpur)	Hazaribagh . . . . Ranchi . . . . Palamau . . . . Manbhum . . . . Singhbhum . . . . Sambalpur . . . .	7	14
Rajshahi	Rajshahi . . . . Dinajpur . . . . Jalpaiguri . . . . Darjeeling . . . . Malda . . . . Rangpur . . . . Pabna and Bogra . . . .	7	14
Dacca	Dacca . . . . Mymensingh . . . . Faridpur . . . . Bakarganj . . . .	7	14

*Time Table—concl'd.*

[This table came into force on the 1st July 1904.]

Division.	District	Number of days allowed by the High Court in criminal appeals from the Court of Session for appearance of appellant, of his counsel, of the Crown Agent (Sections 421 and 422, Criminal Procedure Code)		
			Section 421	Section 422.
Chittagong	Tippera . . . . .	)	7	14
	Nakundi . . . . .			
	Chittagong . . . . .			
Surma Valley	Sylhet . . . . .	)	14	21
	Cachar . . . . .			
Assam Valley	Goalpara . . . . .	)	14	21
	Kamrup . . . . .			
	Darrang . . . . .			
	Nowgong . . . . .			
	Sibsagan . . . . .			
	Lakhimpur . . . . .	)		

*References for confirmation of Sentence of Death  
under Section 374 of the Code of Criminal Procedure.*

III. On receipt of a reference under Section 374 of the Code of Criminal Procedure, the Registrar shall cause the Record of the Sessions Court to be printed without delay, for the use of the Division Court at the hearing.

IV. In any case in which a sentence of death has been confirmed by the Division Court, a copy of the printed Paper-book of the case, together with a copy of the judgment of the Division Court, should be forwarded to the Local Government concerned, imme-

diately after the issue of the warrant confirming the sentence.

*Cases on Appeal and Revision.*

V. In every case in which notice has been issued on the Appellant that an Appeal will be heard, the Registrar shall, on receipt of the Record from the Lower Court, cause a copy to be made in manuscript of the record of the proceedings of the Court, whose sentence or order is under Appeal, for the use of the Division Court at the hearing.

VI In cases in which the correctness, legality, or propriety of the finding, sentence, or final order of a Criminal Court is under consideration by a Division Court for the purposes of Revision, no copy of the record of the Evidence shall be made for the use of the Division Court, unless the Division Court shall specially direct this to be done.

VII. The Rules relating to applications and affidavits in Chapter XI, shall apply *mutatis mutandis* to similar matters in the Criminal Jurisdiction.

VIII. A copy of every notice issued on admitting an Appeal, also copies of notices issued on admitting References under Section 307 of the Code of Criminal Procedure, and in Revision and Motion cases, where the Magistrate or Sessions Judge is given an opportunity of showing cause, shall be sent to the Legal Remembrancer.

IX. In cases decided by the Presidency Magistrates of Calcutta which come before this Court on Appeal, or in Revision, or on Motion, in which notice is issued to the Crown, in addition to the copy of the notice which is sent to the Commissioner of Police,

Calcutta, in accordance with the Government of Bengal Resolution No 545-J. D , dated the 7th May 1907, a second copy shall be sent to the Superintendent and Remembrancer of Legal Affairs

X. In cases in which an accused person makes an application to the High Court for the transfer of his case from one Court to another, the accused person, or the Vakil or Counsel acting on his behalf, shall file with the application a duplicate copy of the notice given to the Legal Remembrancer in accordance with the provisions of Section 526, Clause (6), of the Code of Criminal Procedure, and such notice must bear the signature of a responsible officer in the office of the Legal Remembrancer, acknowledging receipt of the notice, and noting the time of receipt.

XI. In every case in which an accused person is ordered by the High Court to be released (whether from jail or from bail), the Bench Clerk shall at once draw up a release order, in Form No. 24, reproduced at page 201, *post*, and, after obtaining the signature of the Judges thereto, send it forthwith to the Head Assistant, Criminal Department, for issue, without waiting for the judgment to be signed

## PART III.

## CHAPTER XIII.

## FEES—COSTS.

*Process Fees.*

I. The following Rules framed by the High Court under Clause (i) of Section 20 of the Court-fees Act, VII of 1870, regulate the fees chargeable for serving and executing processes issued by the High Court in its Appellate Jurisdiction :—

- (1) The fees in the following table shall be charged for serving and executing the several processes against which they are respectively ranged .—

## PART I.\*

*Table of fees in the High Court, Appellate Jurisdiction.*

	Proper fee. <i>Rs. a. p.</i>
<i>Article I.</i> —In every case in which personal or substituted service of any process on parties to the cause is required, where not more than four persons are to be served with the same document, <i>one fee</i> . . .	3 0 0
When such persons are more than four in number, then the fee above mentioned, and an additional fee of eight annas for every such person in excess of four . . . . .	0 8 0
Provided that in the last-mentioned case, where such persons	

\* Parts II, III, and IV of these sub-rules, and sub-rules (4) to (6) apply to the Subordinate Civil Courts only [Vide Chap V, Vol I, Rules and Orders (Civil), pages 121 to 130] They are accordingly not included in this volume.

Proper fees.

*Rs. a. p.*

reside in the same or immediately adjacent villages, the additional fee may be such sum, not exceeding the amount of the fee prescribed, as the High Court may, in the particular case, determine.

Provided also that in analogous cases, where the appellant is the same but the respondents are different, but residing in the same or immediately adjacent villages, the same rule shall apply.

<i>Article 2.</i> —In every case in which personal or substituted service of any process on any persons who are not parties is required, when the number of such persons is not more than four, <i>one fee</i> . . .		3	0	0
When there are more than four such persons, then the fee above mentioned for the first four, and an additional fee of 8 annas for every one in excess of that number . . . . .		0	8	0
<i>Article 3.</i> —For the execution of a warrant for arrest of the person . . . . .		3	0	0
<i>Article 4.</i> —For service or execution of any process issued by the Court, not specified in any preceding article of this part . . . . .		3	0	0

- (2) Notwithstanding sub-rule (1), no fee shall be chargeable for serving and executing any process, such as a notice, rule, summons, or warrant of arrest, which may be issued by any Court of its own motion, solely for the purpose of taking cognizance of, and punishing any act done, or words spoken, in contempt of its authority.

- (3) The fees hereinbefore provided, except those mentioned in the next sub-rule, shall be payable in advance at the time when the petition for service or execution is presented, and shall be paid by means of stamps affixed to the petition in addition to the stamps necessary for its own validity.

\* \* \* \* \*

- (7) Throughout, or in any part of the localities mentioned in the Schedule attached to this sub-rule and for the periods of the year during which travelling except by boat is, in the opinion of the District Judge, impracticable, the fees chargeable for the service of processes shall be increased by 25 per cent., in order to provide for payment of the boat-hire or ferry-toll rendered necessary by the state of the country. The additional fees may, however, be reduced to  $12\frac{1}{2}$  per cent. over the fees ordinarily leviable at the discretion of the District Judge in any part of the district, where, or at any season of the year when, the levy of the larger amount is found to be unnecessary.

DISTRICT.	Local area.
24-Parganas . . . . .	The Magrahat, Falta, Kulpi, Kakdip, and Mathurapur Thanas of the Diamond Harbour Munsifi; the Joynagur, Matla and Baruipur Thanas of the Baruipur Munsifi; the Bhangar, Sonarpur, Vishnupur, and Budge Budge Thanas of the Sadar Munsifi; and the Haroa and Hasanabad Thanas of the Basirhat Munsifi

DISTRICT.	Local area
Nadia . . . .	The whole district.
Murshidabad . . . .	The whole district
Jessore . . . .	The whole district
Khulna . . . .	The whole district
Rajshahi . . . .	The whole district.
Dinajpur . . . .	The Raiganj, Kaliganj, and Bunsibari Thanas of the Raiganj Munsifi. <sup>1</sup>
Rangpur . . . .	The Kurigaon and Gaibanda Munsifi, and the Kaliganj Thana of the Sadar Munsifi.
Pabna and Bogra . . . .	The whole district.
Dacca . . . .	The whole district.
Mymensingh . . . .	The whole district.
Faridpur . . . .	The whole district.
Bakarganj . . . .	The whole district.
Tippera . . . .	The whole district.
Noakhali . . . .	The whole district.
Chittagong . . . .	The Cox's Bazar, Hathazari, North Raojan, and South Raojan Munsifs. <sup>2</sup>
Bhagalpur . . . .	Madhepura Munsifi <sup>3</sup>
Purnea . . . .	The whole district.
Sylhet . . . .	The whole district
Kamrup . . . .	The whole district
Lakhimpur . . . .	The whole district.
Nowgong . . . .	The whole district.
Dairang . . . .	The whole district.
Goalpara . . . .	The whole district
Sibsagar . . . .	The whole district.
Cachar . . . .	The whole district.

<sup>1</sup> Inserted by C O No 1 of 29th August 1899<sup>2</sup> Inserted by C O No 5 of 13th September 1895<sup>3</sup> Inserted by C. O. No 8 of 1906.

(8) In such districts or parts of districts as are not for the time being subject to sub-rule



(7) when, in order to the service of any process, the peon has to cross a ferry, then the amount, if any, legally exigible as toll, shall be paid by the Court executing such process from its permanent advance.

- (9) In cases in which the process is to be served in the jurisdiction of another Court, the proper fee chargeable under sub-rule (1) read with sub-rule (7) shall be levied, in the manner above directed, on the application for the transmission of the process to that Court, and a note shall be made on the process stating that this has been done. A Court which receives from another Court, whether in the same Province or not, a process bearing a certificate that the proper fee has been levied, shall cause it to be served without further charge.

II. Processes and rules intended for service in the town of Calcutta shall be sent direct to the Sheriff, and parties shall not be required to pay into the High Court process fees in respect of such processes and rules by stamps, as required by the rules issued by the High Court under Clause I of Section 20 of the Court-fees Act. Such processes and rules shall be prepared and made over to the parties or to their pleaders for delivery to the Sheriff for service, and must be delivered to him accompanied by his authorised fees and charges.

*N.B.*—The fees paid in pursuance of sub-rules (1) and (2) must in all proceedings be deemed and treated as part of the necessary and proper costs of the party who pays them

*Other Fees.*

III. The following fees shall be charged in the Offices of the Court on the Appellate Side :—

For any search in the Offices, Record rooms, Books, or Registers of the Court . . . One rupee.

On each application for a copy of any document or record in the High Court, whether the copy applied for is of a single document or more documents than one . . . One anna.

Provided that this does not authorise an applicant to ask in a single application for copies of more than one paper, if required in more than one case. There must be a separate application, and therefore a separate stamp, for each case.

For swearing, affirming every affidavit, whether intended to be used in the High Court either on its Original Side or its Appellate Side, or in any other Court except the Insolvent Court . . . Two rupees.

NOTE —(1) The Chief Reporter to Government and the Superintendents and Remembrancers of Legal Affairs to the Local Governments are exempted from payment of the searching fees referred to above

NOTE —(2) Where the fee for swearing or affirming an affidavit has been levied, no fee shall be levied for filing the same, provided that this exemption shall not apply to the fee payable on the Original Side for filing documents annexed to affidavits.

*Costs.*

IV. The following scale of costs shall ordinarily be allowed to the successful party in appeals to the High Court in its Appellate Jurisdiction :—

## SECOND APPEALS.

			Rs.
Not exceeding Rs. 200	{	Drawing grounds	of
		appeal . . .	4
		Hearing fee . . .	16
Exceeding Rs. 200 and not exceeding Rs. 1,000.	{	Drawing grounds	of
		appeal . . .	8
		Hearing fee . . .	32
Exceeding Rs. 1,000 and not exceeding Rs. 5,000.	{	Drawing grounds	of
		appeal . . .	12
		Hearing fee . . .	48

## APPEALS FROM ORIGINAL DECREES.

		Rs.
Not exceeding Rs 5,000	To be fixed by the Court.	
Exceeding Rs. 5,000 and not exceeding Rs. 10,000.	{ Drawing grounds of appeal . . .	50
	{ Hearing fee . . .	300
Exceeding Rs. 10,000 and not exceeding Rs. 20,000.	{ Drawing grounds of appeal . . .	50
	{ Hearing fee . . .	500
Exceeding Rs 20,000 and not exceeding Rs. 50,000.	{ Drawing grounds of appeal . . .	100
	{ Hearing fee . . .	750
Exceeding Rs 50,000	{ Drawing grounds of appeal . . .	100
	{ Hearing fee . . .	1,000

## APPEALS FROM ORDERS.

Not exceeding Rs. 5,000	Same as second appeals.	
Exceeding Rs. 5,000	{ Drawing grounds of appeal . . .	16
	{ Hearing fee . . .	64

## REVIEWS.

*(Where notice is given and opposite party appears.)*

The same costs as were allowed upon the hearing in Special and Miscellaneous Appeals.

In Regular Appeals, the costs to be fixed by the Court.

## APPEALS UNDER SECTION 15 OF LETTERS PATENT.

The same costs as were allowed at the previous hearing.

## APPLICATIONS.

*(Where notice is given and opposite party appears.)*

To be fixed by the Judge or Judges who hear the application.

## GENERAL RULES.

When there are several parties to an appeal, review, or application, one set of costs will generally be awarded, unless the Court, upon the application of the parties, shall otherwise order.

Unless there is a cross-appeal filed, the hearing fee alone will be allowed to the respondent.

V. In cases where, on appeal to the High Court from an Appellate Decree, an order of remand is passed, the Court-fees paid on the memorandum of appeal shall ordinarily be treated as costs in the appeal. But where an order of remand is made under Order XLI, rule 23, of the Code of Civil Procedure, on the ground that the Court of First Instance disposed of the suit upon a preliminary point so as to exclude any evidence of fact which appears to the High Court essential to the determination of the rights of the parties, and that such defect was not amended on First Appeal, or on the ground that the Lower Appellate Court has disposed of the suit or appeal on a preliminary point without investigating the suit on its merits, and such decision is reversed, the Registrar shall grant an order of refund of the Court-fees so paid, under Section 13 of the Court-fees Act, to the appellant on his application, provided that such application is made within three months of the date of the order of remand. If such application is made after this period, the applicant shall be instructed to apply to the Court for orders.

NOTE.—On 16th June 1879, in the case of Durga Das Dutt, Vakil, a Full Bench directed that Vakils should in no case apply for a refund of stamp duty till they have satisfied themselves by proper enquiries of the Registrar that no return or duty has already been made

## PART IV.

## MISCELLANEOUS.

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CHAPTER XIV.

## COPIES.

I. A plaintiff, or a defendant who has appeared to the suit, is entitled, at any stage of the suit, to obtain a copy of the record of the suit, including exhibits which have been put in and finally accepted by the Court as evidence.

[*N B* —A party, who has been ordered to file a written statement, is not entitled to inspect or take a copy of a written statement filed by another party until he has first filed his own ]

II. A stranger to a suit may after decree obtain, as of course, a copy of the plaint, written statements, affidavits, and petitions filed in the suit, and may, for sufficient reason shown to the satisfaction of the Court, obtain a copy of any such documents before decree.

III. A stranger to a suit may also obtain, as of course, a copy of any judgment, decree, or order at any time after it has been passed or made.

IV. A stranger to a suit has no right to obtain a copy of exhibits put in evidence, except with the consent of the person by whom they were produced.

V. Every Vakil engaged in any case shall be entitled to obtain from the Court office a copy of the whole or any part of the proceedings and evidence in the case on depositing the estimated cost of such copy.

VI. Every such copy shall be examined and certified as correct before it is issued from the office of the Court.

VII. (a) English copies of decrees, judgments, or other papers required for *bonâ fide* Government purposes will be supplied to Government officers on payment of the following charges :—

	Rs.	a.	p.
Copying 1,000 words . . . . .	1	0	0
Examining . . . . .	0	8	0

(b) These copies will be made under the supervision of the salaried Superintendent of Copyists, in respect of whose services no charge will be made

VIII. Copies of judgments convicting Government officers of criminal offences as well as copies of judgments of acquittal and orders of discharge will be supplied free of charge on the application of the Head of the Department concerned.

IX. Copies of any judgments, Civil or Criminal, passed by the High Court in its Appellate Jurisdiction may be supplied to the Calcutta Press on formal application being made, after payment of the usual searching fee and copying charges, and under the same conditions and restrictions as those under which copies of judgments in Civil Appeals are supplied to parties on the Appellate Side of the Court.

X. The following rules have been prescribed in regard to applications for, and the preparation and issue of, copies on the Appellate Side of the High Court :—

- (1) When a copy of a judgment or decree or any other document is required, the party

requiring the same shall file with the filing clerk in the appropriate department an application signed by his Vakil or Mukhtar or by his authorised agent or by himself, if acting in person—Such application should be made in Form A\* obtainable in loose sheets in the office at the cost of 1 pice or  $\frac{1}{4}$  anna per sheet or 100 for a rupee

- (2) The filing clerk shall number all such applications consecutively and enter them in a separate Register in Form B\* to be called “Filing Register of applications for copies,” and shall submit the applications during the same day or not later than the following day to the Registrar or such other officer of the Court to whom he may have delegated the duty of dealing with applications for copies.
- (3) In the event of an application for a copy being refused, an endorsement to that effect shall be made on the application form which shall then be returned to the applicant.
- (4) On orders being passed granting an application for a copy, the Superintendent of Copyists, or, in his absence, the Assistant Superintendent of Copyists, shall at once, if possible, or during the same day, or not later than the following day, obtain the original required for the copy and ascertain

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\* Forms A to D are reproduced at the end of this Chapter, see pages 119 to 122.

the amount of Court-fee stamps payable for the same and the charges required for the preparation of the copy, and at the same time inform the applicant thereof. When such information cannot be given at once, the Superintendent of Copyists, or, in his absence, the Assistant Superintendent of Copyists, shall inform the applicant of the reason thereof and when he may expect to obtain the information, and shall note on the back of the counterfoil of the application, "Told to attend on for information which cannot be supplied now as . . . ." The counterfoil shall then be returned to the applicant and it shall be his duty to attend at the time named.

- (5) The amount of Court-fee stamps and the charges required shall then be entered by the Superintendent of Copyists, or, in his absence, by the Assistant Superintendent of Copyists, in the middle portion of the form of application, and the applicant, on his appearing, shall be required to put his signature thereto as an acknowledgment of his having received the information.
- (6) The applicant shall further be informed that his application will not be considered complete and that the preparation of the copy will not be commenced until he has supplied in full the Court-fee stamps and the costs required for the purpose.



- (7) When the stamps and costs are put in, the date shall be entered by the Superintendent of Copyists, or, in his absence, by the Assistant Superintendent of Copyists, in the place provided in the form for the purpose. The applicant shall at the same time present the counterfoil of his application which has been returned to him, and a Memorandum shall be made thereon by the Superintendent of Copyists, or, in his absence, by the Assistant Superintendent of Copyists, stating the date when the copy will be ready. A corresponding note shall be made by the Superintendent of Copyists, or, in his absence, by the Assistant Superintendent of Copyists, on the body or main portion of the form, which, together with the original document of which a copy is applied for, shall then be made over by the Superintendent of Copyists, or in his absence, by the Assistant Superintendent of Copyists, to one of the copyists for the preparation of the copy. The applicant shall retain the counterfoil, and it shall be his duty to attend on the day fixed for the purpose of receiving the copy.
- (8) Under ordinary circumstances a copy shall be furnished not later than the fifth open day after the necessary Court-fee stamps and costs have been put in.
- (9) When an applicant requires his copies before the expiry of the five days, the ordinary

time allowed by the preceding sub-rule (8) for furnishing a copy, an extra fee of two rupees (or, if the copies exceed 600 English words or 1,200 vernacular words, of 8 annas for every 150 English words or 300 vernacular words or part thereof) shall be charged on all copies so furnished to be levied from him by Court-fee stamps, which should be affixed to the application for the copy and be entered in the Register for Court-fee stamps. Care, however, is to be taken that other applicants for copies do not materially suffer by the arrangement.

- (10) It shall be the duty of any assistant in whose custody the original document of which a copy is applied for may be, immediately to deliver it to the Superintendent of Copyists on his requisition and on being shown the application for the copy. If, for any reason, he is unable to do so, he should state such reason on the back of the application for the copy.
- (11) After the copy has been made, the Superintendent of Copyists shall forthwith return the original to the assistant from whom he obtained it.
- (12) All applications for copies shall be kept with the Superintendent of Copyists, filed in the order of admission in a separate series for each month, and shall be destroyed at the end of a year.

- (13) The charge for all copies shall be Re. 1 for copying, and 8 annas for examining, 1,440 English words, and Re. 1 for copying, and 8 annas for examining, 2,000 words in any of the vernacular languages, the whole of which shall go towards paying the copyists and examiners who shall be employed for the purpose, in addition to the regular establishment.
- (14) In addition to the foregoing charges, three annas for every rupee of the copying and examining charges shall also be charged on account of the remuneration of the Superintendent of Copyists and Assistant Superintendent of Copyists, the former of whom shall be entitled to two-thirds of such additional charge and the latter to the remaining one-third. The Superintendent of Copyists shall keep an account of the sums received and paid for copying, distribute the work to the copyists, and be responsible that the copies are carefully made and supplied with due despatch as nearly as possible in the order in which they have been applied for : such a deposit shall be made for the copy required as the Superintendent shall consider necessary to cover all the expenses.
- (15) The Superintendent of Copyists shall keep a book in Form C\* to be called " Detailed

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\* Forms A to D are reproduced at the end of this Chapter ; see pages 119 to 122.

Register of Applications for copies." Columns 5, 11, and 12 shall be daily added up. The sum of the totals of columns 5 and 11, less the total of column 12, will be the amount (equal to the sum of the totals of columns 8 and 9) actually to credit.

- (16) A Cash Book shall also be kept by the Superintendent of Copyists in Form D.\* The Cash Book shall be daily balanced and signed by the Deputy Registrar.
- (17) The Superintendent of Copyists shall receive all sums deposited or paid for copies, and give receipts for the same, and shall at the close of each day make over the day's receipts to the Cashier of the Court for deposit in the Bank of Bengal to the credit of Government.
- (18) The Superintendent of Copyists shall, at the close of the month, draw up a Bill showing the amount due to him and the Assistant Superintendent of Copyists from the charge of three annas in the rupee, prescribed by sub-rule (14), and the earnings of each of the copyists. Such bill, after being duly signed by the Registrar, shall be presented to the Accountant-General, Bengal, for payment from the allotment made in the Court's Budget grant for 'Party copying work,' the amount thereof being recouped from the copying fees real-

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\* Forms A to D are reproduced at the end of this Chapter; see pages 119 to 122

ized from parties and credited to Government under sub-rule (17).

- (19) Only those persons shall be allowed to make copies who have been approved by the Registrar and whose names have been entered in a list kept for that purpose. Any attempt to supply copies otherwise than in the mode directed by these rules will subject them to instant dismissal.
- (20)\* The copyists will, alternately in turn, examine each other's copies, and receive the remuneration allowed for examining. Parties will supply their own paper.
- (21) All regular employés in the office are prohibited from making any such copies, certified or uncertified, and from receiving any remuneration in respect thereof.

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\* NOTE—This rule applies to unauthenticated copies, but, as regards authenticated copies, the clerks and assistants in the office may, with the sanction of the Registrar, examine all such copies.

**A***Application for Copy.*

Serial No. \_\_\_\_\_

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN  
BENGAL.

APPELLATE JURISDICTION.

APPEAL FROM

No.

OF

*versus**Appellant,**Respondent.*

decided on the

Application for <sup>*certified*</sup>/<sub>*uncertified*</sub> copy of

in the above case made by me the under-signed.

Dated

*Takil*  
*Mukhtar* for

## SUPERINTENDENT'S REPORT.

	<i>Rs. a. p</i>	
The charge for the copy applied for will amount to		These were supplied by the applicant on the
Also Court-fee stamps (for certified copy) . . .		Copy will be ready by
Also searching fee . . .		Copy actually ready on
<b>TOTAL</b>		Copy delivered on

*The lower portion to be delivered to the Applicant.*

....

Received from

in Appeal from

an application for copy of

No.

Dated

*(Signature of Superintendent.)*

NOTE—The applicant shall be informed as soon as possible of the cost for the copy and the amount of Court-fee stamps required. If this information cannot be given at once, the applicant should attend at the time named for the purpose of obtaining it. The application will not be considered complete, and the preparation of the copy will not be begun until the stamps and the costs have been supplied in full. When the applicant supplies the stamps and costs, he shall present this counterfoil, and the date on which the copy will be ready will be noted on the back. The applicant should keep the counterfoil, and on his presenting it, either personally or by an agent whose name has been endorsed on the back, on the date fixed the copy there being no objection, will be given to him.

*(On the reverse.)*

Application for copy presented by

Told to attend on \_\_\_\_\_ for information which cannot be  
supplied now as

Fees paid on

Copy to be ready on

Copy actually ready on

Copy delivered on

## B

*Filing Register of Applications for Copies.*

Serial No.	Date on which application filed.	Name of applicant.	Nature of document of which copy is applied for, and No. and year of case.	WHETHER APPLICANT REQUIRES		Receipt of Superintendent of Copyists for application
				Certified copy.	Uncertified copy.	

C

*Detailed Register of Application for Copies.*

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Numb	Date on which application for copy is filed.	Application by whom made.	Of what papers copy required.	Amount of deposit.	Amount of Court-fee.	Number of words copied.	Cost of copying and examining at 1,440 words in English and 2,000 words in any vernacular language for Rs. 1-8.	Extra cost of 8 annas per rupee.	Total	Balance paid up	Refund, if any, of deposit and signature of payee.	Date on which copy is ready.	Signature of party receiving copy and date.	By whom copied and examined.





## CHAPTER XV.

## LEGAL PRACTITIONERS.

*Admission of Vakils in the High Court.*

I The following rules have been framed by the High Court under Section 10 of the Letters Patent. 1865 :—

- (1) Every person, before being admitted to practise as a Vakil in the High Court, shall, unless otherwise qualified under sub-rule (23) to this rule, have obtained the Degree of Bachelor of Laws in the University of Calcutta, Madras, Allahabad, the Punjab, or Bombay.
- (2) Except as mentioned in sub-rules (19) and (23) to this rule, every person, before being admitted as a Vakil in the High Court, shall serve a regular clerkship to some Vakil of the High Court to be approved by the Court before the contract is entered into, under articles of clerkship, by contract in writing pursuant to the rules hereinafter contained for the full period of two years, unless the Court, for special reason, think fit to remit any portion of such period: Provided that permission shall not be granted under this rule to any Vakil to entertain more than three articulated clerks at one time.

- (3) The term of service required by the last preceding rule need not be all under one and the same contract, nor to one and the same person, but may be to different persons by virtue of an assignment or assignments, or by virtue of successive independent contracts upon the dissolution of the original or succeeding contract.
- (4) The person under whom the articles shall be served shall, during the whole period of the service, be actually practising as a Vakil in the High Court.
- (5) No person who is himself acting as clerk to a Vakil shall be able to take any clerk for service under articles.
- (6) No person shall be capable of service under these rules until he shall have passed the B.A. or B.Sc. examination of the University of Calcutta, Allahabad, the Punjab, or Bombay, or the B.A. examination of the University of Madras.
- (7) The contract in writing, whereby a person shall engage as aforesaid to serve as a clerk to any Vakil, shall be filed with the Registrar of the High Court on the Appellate Side within one calendar month after the execution of the same, together with an affidavit by such Vakil that he has been himself duly admitted, and has been practising for five years as a Vakil, and that such contract has been duly executed by himself and by the clerk therein mentioned.

And in every such affidavit shall be specified the name of the Vakil and his place of abode or business, and the name of the clerk and his place of abode, together with the day on which the contract was actually executed.

- (8) In case the articles of clerkship shall be assigned, the assignment shall be in writing, and shall be in like manner filed within one calendar month after the execution thereof, together with an affidavit that the same has been executed by all the necessary parties. And in every such affidavit shall be specified the name of the Vakil to whom the articles are assigned and his place of business, together with the day on which the assignment was actually executed.
- (9) If, by reason of death or for any other good and sufficient reason, an assignment of the articles cannot be obtained, a fresh contract in writing shall be entered into by the clerk with the person under whom the service is continued, which shall be filed in the manner and with the affidavit prescribed by sub-rule (8).
- (10) In case the contract or assignment, together with the necessary affidavit, be not filed within the time specified, the same may be filed with the said Registrar after the expiration thereof, but the service of such clerk shall be reckoned to have been commenced or renewed from the date of filing

such contract or assignment unless the Court shall otherwise order.

- (11) (a) Every person articulated to serve as a clerk to a Vakil for the purpose of being admitted as a Vakil shall, unless the Court thinks fit to grant him a special dispensation, be, during the whole period of service, exclusively employed by the Vakil in his proper business and practice as such.
- (l) Service under articles, original or assigned, shall be continuous, unless the previous sanction of the Court is obtained to an interruption thereof, or unless an interruption permitted by the Vakil, but not so previously sanctioned, is subsequently explained to the satisfaction of the Court and condoned.
- (12) Before any person shall be admitted as a Vakil in the High Court, he shall sign and file with such Registrar as aforesaid answers to the questions contained in the Schedule A\* hereunto annexed; and the person or persons under whom he shall have served his articles shall sign and file answers to the questions contained in the Schedule B\* hereunto annexed, as also a certificate in the form given therein.
- (13) In case the applicant should show sufficient cause to the satisfaction of the Court why the last rule cannot be fully complied with.

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\* See pages 130, 131, *post*

it shall be in the power of the Court to dispense with any part of this rule which it may think fit and reasonable.

(14) The applicant shall in all cases produce satisfactory testimonials as to his good character.

(15) The applicant shall also, if required, sign and leave with the said Registrar answers in writing to such other questions, as shall be directed by the Court, touching the service and conduct of the applicant, and also, if required, attend the Court personally for the purpose of giving further explanation touching the same; and shall also, if required, procure the attendance of the person or persons with whom he shall have served his clerkship as aforesaid to answer either personally or in writing any questions touching such service or conduct, or shall make proof to the satisfaction of the Court of his inability to procure the same.

(16) Upon compliance with the aforesaid rules, and after satisfactorily passing, on expiration of the articles aforesaid, an examination in the subjects noted in the margin, if the Court shall be satisfied as to the fitness and capacity of

Code of Civil Procedure.	
Code of Criminal Procedure	
High Court's Rules, Appellate Side	
The Evidence Act.	
The Limitation Act	
The Registration Act.	
Such portions of the Bengal Tenancy Act as deal with matters of procedure.	

the applicant, a certificate shall be granted to him in the following form :—

In pursuance of the rules of the High Court relative to the admission of Vakils, it is hereby certified that A. B. has complied with the requirements of the said rules, and that he is a fit and proper person to be admitted to practise as a Vakil in the High Court.

(Signed) C. D.,

*A Judge of the High Court.*

- (17) Any person intending to apply to be admitted to practise as a Vakil in the High Court shall, after obtaining such certificate, cause to be inserted in the *Calcutta Gazette* for four successive weeks a notice of his intention, and shall also give to the Registrar a notice in writing of such intention accompanied by the said certificate.
- (18) Any person who has been admitted to the Degree of B.L. in the University of Calcutta, Madras, or Bombay, or to the Degree of LL.B. in the University of Allahabad or of the Punjab, and who shall produce the certificate mentioned in sub-rule (16), shall, after giving the notice required by sub-rule (17), be enrolled as a Vakil of the High Court; provided that a Bachelor of Laws of the University of Allahabad or of the Punjab shall be required to pass an examination held under the direction of the High Court in reading, writing and speaking the Bengali language.
- (19) Any person who has been admitted to the Degree of B.L. in the University of

Calcutta, Madras, or Bombay, or to the Degree of LL.B. in the University of Allahabad or of the Punjab, and who shall prove to the satisfaction of the Court that he has *bonâ fide* practised for four years as a pleader in one or more of the Courts of the Mufassal subject to the jurisdiction of the High Court, and that he is a person of good character, may, after giving the notice required by sub-rule (17), be admitted to practise in the High Court as a Vakil without service under articles :

Provided that no pleader shall be admitted as a Vakil of the High Court without passing the final examination prescribed by sub-rule (16).

(20) Every person applying to be admitted under the last rule shall, one month prior to admission, leave with such Registrar, as aforesaid, answers to the questions contained in the Schedule C\* hereunto annexed, and also a certificate or certificates in the form contained in Schedule D\* hereunto annexed.

(21) In case the applicant should show sufficient cause to the satisfaction of the Court why the last rule cannot be complied with, it shall be in the power of the Court to dispense with any part of this rule upon such terms as it may think fit and reasonable.

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\* See pages 131, 132, *post*.



- (22) An applicant under sub-rule (19) shall in all cases produce satisfactory testimonials as to his good character, and shall also, if required, leave with the said Registrar answers in writing to such questions as the Court shall direct touching the qualification of such person to be admitted as a Vakil in the High Court; and shall, if required, attend the Court personally for the purpose of giving further explanation touching the same.
- (23) Any Attorney of the High Court who establishes to the satisfaction of the Court that he has *bonâ fide* practised as such for a period of three years, and that he is a person of good character and ability, may be admitted to practise in the High Court as a Vakil :

Provided that no Attorney or other person shall be admitted as a Vakil of the High Court without passing the final examination prescribed by sub-rule (16).

SCHEDULE A. [Sub-rule (12).]

*Questions as to due service of articles to be answered by the applicant.*

1. What was your age at your last birthday?
2. Have you served the whole term of your articles at the place where the person or persons to whom you were articulated or assigned carried on his or their business, and if not, state for what reason?
3. Have you at any time during the term of your articles been absent without the permission of the person or persons to whom you were articulated or assigned, and if so, state the length and occasions of such absence?

4. Have you during the period of your articles been engaged, or concerned, in any, and, if any, what profession, business, or employment, other than your professional employment as clerk to the person or persons to whom you were articulated or assigned?

5. Have you since the expiration of your articles been engaged or concerned, and for how long a time, in any, and if any, what profession, trade, business, or employment, other than the profession of a Vakil?

SCHEDULE B. [Sub-rule (12).]

*Question to be answered, and certificate to be given by the person or persons with whom the clerk may have served any part of his time under articles.*

1 Has A. B. served the whole period of his articles at the place where you carry on your business, and, if not, state the reason?

2. Has the said A. B. at any time during the period of his articles been absent, and if so, state the length and occasions of such absence?

3. Has the said A. B. during the whole period of his articles been engaged or concerned in any, and, if any, what profession, business, or employment, other than his professional employment as your articulated clerk?

4. Has the said A. B. during the whole period of his clerkship, with the exceptions above-mentioned, been faithfully and diligently employed in your professional business of a Vakil?

5. Has the said A. B. since the expiration of his articles been engaged or concerned and for how long a time, in any profession, trade, business, or employment, other than the profession of a Vakil?

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And I do hereby certify that the said A. B. has duly and faithfully served under his articles of clerkship [*or assignment of articles, as the case may be*] bearing date, etc., for the term therein expressed, and that he is a fit and proper person to be admitted as a Vakil of the High Court.

SCHEDULE C. [Sub-rule (20).]

1 What was your age at your last birthday?

2. What is the date of your enrolment as a pleader, and where were you enrolled?

3. Have you practised in one or several Courts? State the periods during which you practised in each, and the dates of the beginning and end of each period.

4. Have you at any time been engaged or concerned in any, and, if any, what profession, business, or employment, other than that of a pleader? If so, when and for what period?

SCHEDULE D. [Sub-rule (20).]

I, C. D., District Judge [*or Subordinate Judge, or Munsif as the case may be*], do certify that to the best of my belief A. B. practised in my Court regularly as a pleader from the day of 19 to the day of

19, and that he was diligent and faithful in the performance of his duties, and that he is a fit and proper person to be admitted as a Vakil of the High Court.

(Signed) C. D.

*Admission of Mukhtars.*

II. The following rules have been framed by the High Court under Clauses (a), (b) and (c) of Section 16 of Act XVIII of 1879 for the Qualification, Admission, etc., of proper persons to be Mukhtars practising in the High Court on its Appellate Side:—

*PART I.*

- (1) Any person may be admitted as a Mukhtar of the High Court who shall be qualified as hereinafter prescribed, that is to say,—
  - (a) if he be a Pleader of any District Court, or qualified to be admitted as such Pleader;
  - (b) if he shall produce a certificate from the examiners appointed by this Court that he has passed an examination in the Rules and Practice of the Appellate Side of the Court, both Civil and Criminal.

and in the Laws of Limitation and Procedure relating to appeals and applications to this Court.

- (2) In order to qualify a person to present himself for the examination required by clause (b) of sub-rule (1) above,—

(a) he must hold a certificate of having passed the Entrance Examination of the University of Calcutta, Madras, Bombay, or Allahabad, or some other public examination certified by the Director of Public Instruction to be equivalent thereto;

(b) he must produce a satisfactory certificate of good moral character and respectability and be above the age of 21 years;

(c) he must pay an examination fee of Rs. 16.

- (3) A person qualifying under sub-rule (1) must deposit, in the High Court, Government securities to the value of Rs. 1,000.

NOTE—By a Notification, dated the 10th August 1883, the High Court ordered that the above security should be deposited with the Registrar of the Court on its Appellate Side

## *PART II.*

(4) Rules framed under Clause (e), Section 16, Act XVIII of 1879, declaring what shall be the functions, powers, and duties of Mukhtars in the High Court:—

- (a) Every Mukhtar shall be bound to have some fixed place of business within the local

limits of Calcutta, and shall leave the address of his place of business with the Registrar of the High Court in its Appellate Jurisdiction

- (b) The functions, powers, and duties of a Mukhtar practising in the High Court are, subject to the instructions of his client, to be as follows:—

C. C P  
Sections.

To communicate with his client.

To instruct Advocates, Vakils, or Attorneys, and to attend the Court during the trial of the client's case

To make such applications as can be made to an Officer of the Court, but not to the Court itself, provided that he shall not be entitled to apply to inspect records.

To pay money into, or deposit money in, Court, and, where specially empowered by his *mukhtarnama*, to receive and give receipts for payment of money out of Court.

To deposit the amount required to defray the expenses of translating, transcribing, and indexing the copy of the record in appeals to the High Court, under the Rules of Practice for the time being in force; and also to deposit security when required under Order XLI. rule 10, of the Code of Civil Procedure.

To deposit security and the amount required to defray the expenses of translating, transcribing, indexing, and transmitting to His Majesty in Council the copy of the record under Order XLV, rule 7, of the Code of Civil Procedure

To apply for copies of any paper from the record of any case and receive them after paying fees.

To identify persons before the Court officers.

To communicate with the Court officers for information regarding any case.

Orders  
XVI,  
rules 2 and  
4; XXI,  
rules 1, 39,  
84, and 85;  
XXIV, rules  
1 and 4;  
XLI, rule  
10; and  
XLV, rule  
7.

- (c) Every Mukhtar who has acted for a suitor in any appeal or matter shall be bound to furnish to his client, within one month after the decree or order of the Court has been signed, an account in the form hereto annexed, and in a language which the client understands, showing all receipts and disbursements which have passed through his hands in the cause; and to such account shall be annexed a receipt signed by the (Advocate or) Vakil for all fees paid to him :—

*A. B., in account with C. D., Mukhtar of the High Court of Judicature at Fort William in Bengal.*

CR			DR
	<i>Rs. a. p.</i>		<i>Rs. a. p.</i>
19 . 1st January.		19 . January.	
To money advanced		To paid for ( <i>here state particulars</i> )	
		To fee paid to E. F, Advocate (or Vakil; from, etc., etc.	

### PART III.

(5) Rules framed under Clause (d) and final paragraph of Section 16 of Act XVIII of 1879 for the suspension and dismissal of Mukhtars, and for prescribing and imposing fines.

- (a) Any Mukhtar who shall be guilty of a breach of any of these rules shall be liable to a fine

not exceeding Rs. 500, and also to suspension.

- (b) Any Mukhtar who, in the opinion of the Court, shall have been guilty of dishonesty or gross misconduct in his profession, may be suspended or dismissed.

*PART IV.*

(6) Rule framed under Clause (a) of Section 27 of Act XVIII of 1879 fixing and regulating the fees payable by any party in respect of his adversary's Mukhtar.

- (a) Where a Mukhtar is employed, 15 per cent. of the sum now allowed as Vakil's fee shall be allowed as such Mukhtar's fee and the remaining 85 per cent. only shall be allowed as the Vakil's fee.

## CHAPTER XVI.

RECORDS.

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PRESERVATION AND DESTRUCTION OF CIVIL AND  
CRIMINAL RECORDS.

The following rules have been prescribed by the High Court under Section 2 of Act III of 1879, with the confirmation of the Local Governments and the sanction of the Governor-General in Council, to take effect from the 1st of April 1912, and to apply to all cases instituted on and after that date :—

*Civil Records*

I. The record of every Civil Appeal shall consist of two parts to be styled respectively Part I and Part II. To Part I there shall be prefixed a Title page coloured white and to Part II a Title page coloured blue, forms of which are annexed.

II. Part I shall contain the following papers which shall be preserved for ever :—

- (1) The Memorandum of appeal.
- (2) The copies of the judgment and decree filed with the Memorandum of appeal and not inserted in the paper-book of the case.
- (3) The Memorandum of cross-objections.
- (4) Vakalatnamas.
- (5) Applications for substitution, addition, or removal of parties, the affidavits filed therewith, and the orders of the Court thereon.



- (6) Award of arbitrators, or petitions of compromise, if given effect to in the decree; also in the case of minors or lunatics, the order of the Court sanctioning the compromise.
- (7) Judgment.
- (8) Decree.
- (9) Applications for return of documents and orders thereon.
- (10) Paper-books, two copies when printed, one copy when not printed.
- (11) Any paper whose preservation may be directed by the presiding Judge or Judges.

III. Part II shall contain the following papers which shall be destroyed at the end of 12 years :—

- (1) All processes and returns thereto.
- (2) All requisitions for records, whether addressed to this Court, or to another Court.
- (3) All petitions, affidavits and correspondence relating to the two subjects above mentioned or to adjournments of the hearing.
- (4) Bonds for security for costs.
- (5) Petitions to stay proceedings pending appeal and orders thereon.
- (6) Petitions for the admission of documents, and orders thereon.
- (7) Petitions for security for costs of the respondent and orders thereon.
- (8) Applications for translating and printing and for copies and orders thereon.
- (9) Copies of documents printed in the paper-book.

- (10) Any paper whose destruction may be directed by the presiding Judge or Judges.

IV. The period of 12 years mentioned in the preceding Rule III shall be calculated from the date of the final decree or order which, in cases appealed to the Privy Council, will be that of the decree or order of His Majesty in Council.

V. All copies of paper-books in excess of the number to be permanently preserved as directed in Rule II (item 10) of these Rules shall be kept separate from the records to which they relate and be destroyed on the expiry of three years from the date of the final decree or order of the High Court, or, in cases appealed to the Privy Council, on the receipt of the final decree or order of His Majesty in Council.

VI. The distribution of the papers to the appropriate Part (I or II) of the record shall be made by the Record Department on the receipt of the record in the record-room after the disposal of the case.

VII. These rules shall also apply, *mutatis mutandis*, to the records of all Civil Revision Cases and References.

#### *Criminal Records.*

VIII. Applications for bail and suspension of sentence and orders thereon, which are treated as Miscellaneous Cases, shall be preserved for 12 years, such period being calculated from the date of the order

IN THE HIGH COURT OF JUDICATURE AT  
FORT WILLIAM IN BENGAL.

(CIVIL APPELLATE SIDE.)

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TITLE-PAGE.

## PART I.

(This file must be preserved for ever )

Appeal from \_\_\_\_\_ No. \_\_\_\_\_ of 191

\_\_\_\_\_ Appellant,

*Versus*

\_\_\_\_\_ Respondent.

Date of decision of High Court \_\_\_\_\_

Ditto of Privy Council \_\_\_\_\_

IN THE HIGH COURT OF JUDICATURE AT  
FORT WILLIAM IN BENGAL.

(CIVIL APPELLATE SIDE.)

## TITLE-PAGE.

## PART II.

(This file must be destroyed at the end of 12 years.)

The above period shall be calculated from the date of the final decree or order, which, in cases appealed to the Privy Council, will be that of the decree or order of His Majesty in Council.

Appeal from \_\_\_\_\_ No. \_\_\_\_\_ of 191

\_\_\_\_\_ Appellant,

*Versus*

\_\_\_\_\_ Respondent.

Date of decision of High Court \_\_\_\_\_

Ditto of Privy Council \_\_\_\_\_

## APPENDIX A.

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### MISCELLANEOUS. (Pages 142 to 154.)

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#### PART I.

Rules relating to Special Departments connected with the High Court—  
(Pages 142 to 148)

I.—Rules for admission into the Judicial Branch of the Provincial  
Civil Service

A.—Rules issued by Government

B.—Rules framed by the High Court

II.—Indian Law Reports Rules

#### PART II.

Rules and Instructions relating to the Office and Establishment of the High  
Court, Appellate Side—(Pages 149 to 154)

I.—Instructions to Bench Officers

II.—Rules for admission of Translators

III.—Indebtedness of Officers

IV.—Disclosure of information.

V.—Judges' Library.

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#### PART I.

### Rules relating to Special Departments connected with the High Court.

#### I.—RULES FOR ADMISSION INTO THE JUDICIAL BRANCH OF THE PROVINCIAL CIVIL SERVICE.

##### *A.—Rules issued by Government.*

DEFINITION.—“The Judicial Branch of the Provincial Civil Service” includes Small Cause Court Judgeships outside the Presidency town, Subordinate Judgeships, Munsifships, and any other appointments which the Lieutenant-Governor may from time to time specially declare to be included therein.

I. In accordance with Section 7 of Act XII of 1887, nominations to Munsifships will be made by the High Court under the following rules, which have been framed by the Lieutenant-Governor in consultation with the High Court, and sanctioned by the Governor-General in Council.

II. A candidate shall present an application in writing to the Registrar of the High Court, Appellate Side. This shall ordinarily be accompanied by the following certificates, *viz.*,—

- (1) that the candidate's age does not exceed 27 years;
- (2) that he has obtained the degree of B.L. or has passed the Senior Pleadership or some analogous examination, or is a Barrister-at-Law, or Member of the Faculty of Advocates in Scotland, or is an Attorney on the rolls of the High Court;
- (3) that he is of good moral character and has received a liberal education;
- (4) that he has practised as a Pleader or Barrister or Member of the Faculty of Advocates in Scotland, or Attorney for not less than three years; except in the case of Vakils of the High Court for whom the period of qualifying practice will be two years. The High Court may, for special reasons, dispense with a portion (not exceeding two years) of the said period of three years;
- (5) that he is in good health and is physically fit for service. The certificate of health must be signed by a Presidency Surgeon or a Civil Surgeon.

III. It shall be within the discretion of the High Court to require any such additional proof on any of the above points as it may think fit.

IV. If the qualifications of the candidate are satisfactory to the Court, his name shall be entered in a register as *eligible* for admission to the Subordinate Judicial Service, but priority of entry in the register shall confer no right of priority of appointment. A candidate's name shall be removed from the register in the event of failing to obtain a gazetted appointment under Section 7 of Act XII of 1887 before attaining the age of 29 years.

V. At the time a registered candidate is appointed permanently to the Service, he shall ordinarily be required to submit a fresh health certificate signed by a Presidency Surgeon or a Civil Surgeon.

NOTE.—The following rules, which the Government of India and the Secretary of State have determined shall be applied in all branches of the

Provincial Civil Service, are reproduced here for the information of candidates for admission to the Judicial Branch —

- (1) Europeans who do not satisfy the definition of Native of India contained in Section 6, Statutes 33 and 34 Victoria, Chapter 3, are not eligible for appointment to the Provincial Service without the previous sanction in each case of the Government of India. With such sanction they may be appointed if they are qualified under the conditions mentioned in Rule II of the Government rules above.
- (2) The subjects of Native Princes in alliance with His Majesty the King-Emperor of India are eligible for appointment to the Provincial Service if they are qualified under the conditions mentioned in Rule II of the Government rules above.
- (3) All candidates for admission to the Judicial Branch must furnish satisfactory evidence of a thorough knowledge of at least one of the vernacular languages of the Province. The High Court will require all candidates who have not already furnished such evidence at some recognized examination, to pass a special examination in either Bengali, Hindi, Urdu or Uriya before appointment. The object of the examination will be to test the candidate's knowledge of the language and ability to write and read the written character with facility. The examination will include—
  - (a) Translation into English of proceedings, petitions, reports etc., written in manuscript
  - (b) Translation from English into the vernacular selected
- (4) Every person appointed to the Judicial Branch shall be subject to a period of probation or training, during which time his appointment will be probationary only, unless in special cases the High Court declares such probation or training to be unnecessary.
- (5) Promotion to grades below that on Rs 600 a month will ordinarily be given according to seniority, subject to fitness and approved conduct. But the Lieutenant-Governor reserves to himself the right to make promotion to the senior grades of the Provincial Service by special selection for merit without regard to seniority, and hereby declares that seniority alone shall not give a claim to appointment to the grade on Rs 600 or higher grades.
- (6) No member of the Judicial Branch shall be dismissed otherwise than on a result of a judicial or formal departmental enquiry.

*B.—Rules framed by the High Court.*

INSTRUCTIONS REGARDING APPLICATIONS FOR APPOINTMENT TO THE JUDICIAL BRANCH OF THE PROVINCIAL CIVIL SERVICE.

I. A candidate for appointment to the Judicial Branch of the Provincial Civil Service in the Lower Provinces of Bengal and Assam† should present a written application in the annexed form to the Registrar of the High Court, Appellate Side, accompanied by certificates to the following effect:—

- (a) That his age does not exceed 27 years.\*

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† Now the Provinces of Bengal, of Bihar and Orissa and of Assam

\* This certificate should be signed by the applicant's father or guardian, or a very near relation.

- (b) That he has obtained the degree of B.L., or has passed the Senior Pleaders'hip or some analogous examination, or is a Barrister-at-Law or Member of the Faculty of Advocates in Scotland, or is an attorney on the rolls of the High Court.
- (c) That he is of good moral character, has received a liberal education, and has a thorough knowledge of at least one of the vernacular languages of these Provinces.
- (d) That he has been in actual practice for not less than three years, except in the case of Vakils of the High Court for whom the period of qualifying practice is two years.
- (e) That he is, in the opinion of a Presidency or Civil Surgeon, in good health, physically fit for service under Government, and under 27 years of age. The medical certificate should be submitted in the form annexed (Form II.—Special certificate of physical fitness for Government service.)

II. These certificates must be produced in original, and, except in the case of diplomas submitted under clause (b), will not ordinarily be returned.

#### FORM I.

*Form of application for enrolment as a person eligible for appointment to the Judicial Branch of the Provincial Civil Service in the Lower Provinces of Bengal and Assam.*

Name of applicant\_\_\_\_\_

Father's name\_\_\_\_\_

Date of birth and present age\_\_\_\_\_

Family residence\_\_\_\_\_

Year in which the applicant passed the  
Entrance Examination with exact  
reference to the page of the Univer-  
sity Calendar in which his name  
appears . . . . . \_\_\_\_\_

Particulars as to the applicant's degree  
or other qualification† . . . . .

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\* More than one certificate of character should be furnished

† If a B L, the division in which applicant passed should here be stated



Languages with which the applicant  
is familiar . . . . .  
Court or Courts in which the applicant  
has practised, and length of practice  
with date of enrolment or admission  
to practise . . . . .  
List of certificates forwarded with  
application . . . . .

Applicant's signature . . . . .

„ address . . . . .

Date of application . . . . .

#### FORM II.

*Special certificate of physical fitness for Government service.*

I, \_\_\_\_\_, do hereby certify that I have  
examined \_\_\_\_\_, a candidate for employ-  
ment in \_\_\_\_\_.

His age is by his own statement \_\_\_\_\_ years, and by appear-  
ance \_\_\_\_\_ years.

(a) General conformation.

(b) Vision.

(c) Hearing.

(d) Lungs.

(e) Heart.

\* Designation of Medical Officer

- (f) Liver.
- (g) Spleen.
- (h) Hernia, present or absent.†
- (i) Hydrocele, present or absent.†
- (k) Glycosuria, present or absent.†
- (l) Albuminuria, present or absent.†
- (m) Distinguishing marks.

I consider that he is of sound health and good physique, and capable of bearing fatigue and exposure, and that he is fit to enter the service of Government.†

I consider him unfit to enter the service of Government for the reasons given at†

Place\_\_\_\_\_.

Date\_\_\_\_\_.

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† Strike out "present" or "absent" in (h), (i), (k), and (l), and whichever of the concluding sentences does not apply

## II.—INDIAN LAW REPORTS RULES.

I. The Reports will be published under the supervision of a Council to be constituted as follows:—

Two Judges of the High Court, Calcutta, nominated by the Court.

A Barrister nominated by the Advocates of the said High Court.

A Vakil nominated by the Vakils practising in the said High Court.

An Attorney nominated by the Attorneys duly authorised to practise in the said High Court.

II. Each member of the Council shall continue in office for one year from the date of his nomination and no longer, but any retiring member may be re-nominated for a further term of one year, and so on, as often as the nominating body shall please.

III. The Honourable the Chief Justice on behalf of the Court, the Honourable the Advocate-General on behalf of the Bar, the senior Government Pleader on behalf of the Vakils, and the President of the Attorneys' Association on behalf of

the Attorneys, are hereby respectively authorised to take such steps as may be necessary for giving effect to the foregoing regulations.

IV. The Council shall have the sole power of fixing the number of reporters, and the amount of their remuneration and of appointing, suspending, and dismissing them, and it shall have authority to frame such rules as it may deem fit for the guidance of the reporters in the preparation and publication of the reports and generally in the discharge of their duties.

V. The Governor-General in Council will place at the disposal of the Council the sum of Rs 2,073\* per mensem, or such other sum as may from time to time, be sanctioned for the purpose, for or towards the remuneration of the reporters, and the defraying of the cost of their office establishment and stationery.

VI. The Local Government will be responsible for all arrangements connected with printing, publication, and distribution of the reports.

VII. The reports shall be published under the authority of the Governor-General in Council, and the Council constituted under these rules is hereby empowered to publish them under such authority.

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\* The present monthly distribution of this sum is as follows :—

	Rs
1 Editor . . . . .	600
7 Reporters . . . . .	1,400
1 Clerk . . . . .	60
1 Peon . . . . .	8
Contingencies . . . . .	5

## PART II.

**Rules and Instructions relating to the Office and Establishment of the High Court, Appellate Side.**

## I.—INSTRUCTIONS TO BENCH OFFICERS.

(1) (a) Intimation is frequently received from the Lower Courts that records are returned by this office in a torn condition, and it is also sometimes intimated that papers belonging to the records are missing.

(b) As a rule, Vakils, etc., at the hearing of appeals, are allowed to inspect the original records, which, for that purpose, are made over to them bodily, and are thus liable to be roughly handled; and occasionally also, after the hearing, documents are found to be missing.

(c) The rules of Court enable parties to obtain copies of the record for the purposes of the hearing. It may be necessary to refer to original documents, the *factum* of which is the subject of controversy, or when any questions arise as to the correctness of copies of translations; but it is not intended that the originals should be used at the hearing for every ordinary purpose.

(2) When inspection of only some original documents is allowed at the hearing, the Peshkar or other Bench Officer in attendance should, for that purpose, take the documents off the file, and after inspection place them again on the file. This should be done by him with his own hands.

(3) He should also watch the inspection, and be held responsible for the documents.

(4) When inspection of the entire record is allowed, the Peshkar, or other Bench Officer in attendance, should see that the record is handled with due care. This is all the more necessary, as documents on the records of the Lower Courts are not infrequently written on flimsy paper which may be easily injured.

(5) Peshkars and other Bench Officers, who have the custody of records, need scarcely be reminded that they are responsible for all such records from the date on which they are transferred to them by the Record-keeper, until they are delivered by them for despatch to the Lower Courts

(6) They should see that the documents given out for translation under the rules for the preparation of Paper-books are replaced on the record *before* an appeal is brought on for hearing; and they are informed that they will be held responsible for any omission in the performance of this duty.

(7) When, after an inspection at the hearing, any documents are missing, or found to be injured, the fact should be immediately reported in writing to the Registrar or Deputy Registrar. This should be done by the Peshkar through the Bench Clerk, and a copy of the report and of such order as may be made thereon should be placed on the record of the case, and the original report and order placed on the appeal file of the Court.

(8) Bench Clerks (who are “generally responsible for the due performance of all duties of a ministerial nature connected with the Division Bench to which they are attached”) should see that the above instructions are carefully attended to by the Subordinate Bench Officers.

(9) They should also see that the records are handed down by the Subordinate Bench Officers, for return to the Lower Courts, not later than three weeks after the judgments and decrees are signed by the Judges and sent down to the office.

(10) They will have time to attend to this duty on Saturdays, when the Courts, as a general rule, do not sit.

(11) They shall carefully and promptly carry out the direction in Rule XI, page 101, *ante*, regarding release orders passed by the High Court.

*N B*—In every appeal admitted *in formâ pauperis* in which the appellant may have been successful, the Board of Revenue shall be furnished with a copy of the decree.

## II.—RULES FOR ADMISSION OF TRANSLATORS.

(1) Whereas it appears desirable to ascertain the qualifications of persons who desire to be employed as Translators in the High Court by a formal and uniform test, the following rules have been framed by order of the Chief Justice for that purpose:—

(2) Any person being a candidate for the office of Translator or Sworn Examiner of translations in appeals to His Majesty in Council, or of Translator in appeals to the High Court exceeding Rs. 10,000 in value, may, after satisfying the Chief Justice that he is in other respects a fit person to be appointed to such office, be furnished with a letter to the Examiners, from time to time to be appointed, requesting that such candidate may be examined.

(3) The candidate, on presenting such letter, and after payment of the fee of Rs. 10, shall be examined at such time and place as the Examiners may direct.

(4) The examination shall comprise the following parts.—

- (a) A written translation into the vernacular language in which the appointment as Translator is sought, of a chosen printed passage from a classical English author extending to not less than 30 lines of an ordinary octavo page.
- (b) A written translation in the same vernacular of a manuscript paper, to be furnished by the Registrar to the Examiners, being a judgment, deposition, or document taken from the *musl* of some decided case.
- (c) A written translation into English of a similar paper in the same vernacular to be likewise furnished by the Registrar.
- (d) A *rivâ voce* rendering from the vernacular into English of at least six short sentences to be read out by the Examiner and a like rendering *vice versâ* from English into the vernacular.

(5) To each written translation the Examiner shall assign a reasonable time within which the task is to be completed, and no translation shall be accepted which is not completed within the time so fixed.

(6) A candidate who desires to qualify in more than one language shall undergo a like examination in each language, paying the same fee for each.

(7) The candidate shall, if he pass the examination to the satisfaction of the Examiner, receive from him a certificate to that effect.

(8) The Chief Justice reserves to himself the power of subjecting any of the existing Translators or Examiners to the test above prescribed, or of requiring the passing of such test as a condition precedent to the promotion of any person employed in the Translation Department.

### III —INDEBTEDNESS OF OFFICERS.

*Order passed by the Hon'ble Sir Richard Garth, Kt., Chief Justice, on the 22nd August 1881.*

(1) The attention of the Chief Justice has been directed, more especially of late, to the unhappy state of indebtedness which appears to prevail amongst certain officers attached to the High Court Establishment.

(2) It is feared that the pernicious custom of borrowing money from usurers and others, and of becoming sureties for one another for the purpose of obtaining such loans, is only too prevalent. Many officers with good salaries, particularly amongst the Eurasian class, have been placed in serious difficulty by this system; and some of them have even been obliged to take the benefit of the Insolvent Act.

(3) With a view to putting a stop to this state of things, the Chief Justice is pleased to notify as follows:—

- (a) Any officer of the Court, taking the benefit of the Insolvent Act in consequence of having lent money to or become security for others, after this notice, will be dismissed from his appointment.
- (b) No leave will be allowed to any officer against whom process has been issued for debt, or who is found to be keeping out of the way to avoid his creditors.
- (c) Any officer who is found hereafter to be in difficulties, in consequence of having become security for his friends after this warning, will run the risk of dismissal, degradation, or not being promoted, according to the circumstances of each particular case.

#### IV.—DISCLOSURE OF INFORMATION.

*(Order passed by the Hon'ble Sir Richard Garth, Kt., Chief Justice, on the 19th September 1881, forbidding the disclosure by officers of the High Court of information taken from papers in the High Court.)*

(1) By some means or other, information of an important and private character, which ought to have been strictly confined to the High Court, has found its way into the newspapers. It seems quite impossible that this information could have been disclosed, except through some officer of the Court; and it is imperatively necessary, in the interest of the public service, to prevent any such disclosures.

(2) If any similar disclosures should occur, any officer of the Court, through whose hands the papers containing the disclosed information may have passed, will be liable to be dismissed, or transferred to some other post.

(3) All officers, for the future, who may have the charge of papers for ever so short a time, will endorse their initials

and date of receipt upon them, as directed by the head of the department, so that it may always be ascertained without enquiry through whose hands the papers have passed.

#### V.—JUDGES' LIBRARY.

(1) Every book on receipt will be marked on the title-page and on the edges with the red seal of the Court and the book-plate of the Court will be affixed to each book of value.

(2) On the title-page the date of receipt and registered number will be entered within the seal, and the book will then be entered in the Register of books received.

(3) All new books will be placed in their appropriate book-cases by the end of the week in which they are received in the Library.

(4) Before being placed in the book-case, each book will receive a number and be entered on a card for the Card Index. Text-Books will also be entered on the appropriate Subject Index Cards. Each new book will also be entered in the Librarian's interleaved copy of the printed Catalogue. All new books with their Index Cards and numbers will be shown to the Registrar before they are put in the shelves in order that he may check the classification.

(5) When a new edition of a text-book is received, the preceding edition will be removed to the lower shelves of the book-cases, and if a still earlier edition is already on the lower shelves, it will be removed from the Library and placed among obsolete books. The serial number of the superseded editions will be retained for the books which take their place. In other cases a new book will be given a subsidiary number, *e.g.*, if a book by its alphabetical position comes in between Nos. 522 and 523 it will be numbered 522-A.

(6) When books have to be distributed to the Judges or others they will be entered in a Distribution Register, in which the receipts of the recipients will be taken.

(7) Books belonging to the Library will ordinarily be kept in the Library under the charge of the Librarian, but a supply of such books as are in constant requisition in Court will be made over to the Clerk of each Bench. The Librarian will check these books once every three months and the Clerk of the Bench will be held responsible for any books missing.

(8) In addition to the Library Catalogue, each Bench Clerk will keep, in a bound book, a catalogue of the books in his custody. On any change of officers, the clerk taking charge



will sign a receipt to be entered in this book acknowledging the receipt of the books. In case he finds that any in the list are missing, he will report the matter for the orders of the Registrar.

(9) The Librarian will retain all requisitions for books until the books are returned. If any book is not returned within a month, he will himself enquire about it.

(10) Obsolete books will be kept in racks apart from the books in current use.

(11) The Librarian is responsible for seeing that the correct titles are placed on the backs of the books bound and that no books are bound unnecessarily.

(12) The Librarian is responsible for seeing that all the books in three book-cases are thoroughly dusted every Saturday, in order that every book in the Library may be dusted at least once in two months.

(13) Books are to be replaced on the shelves by the Librarian only, and on the day on which they are returned to the Library.

## APPENDIX B.

## FORMS.

*List of forms.*

The following forms, of which specimens are attached, have been prescribed for use in the High Court, Appellate Jurisdiction :—

No. of Form.	Description of Form	Section of Act or Rule of High Court's Rules to which the Form applies.	REMARKS.
<b>CIVIL.</b>			
1	Notice of service on respondent in an Appeal under section 15 of the Letters Patent.	Rule V, Chap. VI.	
2	Notice to Lower Court under O. 41, r. 13 of the Code of Civil Procedure when respondent resides in Calcutta.	Rule VI, Chap. VII.	
3	Notice to Lower Court, as above, when respondent resides elsewhere	Rule VI, Chap. VII, and Rule II, Chap. XIII.	
4	Notice to respondent under O. 41, r. 14, of the Code of Civil Procedure. of the day fixed for hearing of Appeal.	Rule VII, Chap. VII.	
5	Notice to appellant requiring him to file his list of papers for the Paper-book in an Appeal from an Original Decree, and intimating the arrival of the record.	Rule XVII, Chap. VII, Sub-Rule (2).	
6	Notice to respondent of the delivery at the High Court of appellant's list in ditto.	Rule XVII, Chap. VII, Sub-Rule (5)	

NOTE.—Forms 2, 3, and 4 are used in Appeals from Original Decrees. Appeals from Appellate Decrees, and Appeals from Orders.

No. of Form.	Description of Form.	Section of Act or Rule of High Court's Rules to which the Form applies	REMARKS.
7	Notice to respondent of the delivery of one of his duplicate lists to Appellant's Vakil.	Rule XVII, Chap. VII, Sub-Rule (7).	
8	Estimate of costs of preparing Paper-book in an Appeal from an Original Decree.	Rule XVII, Chap. VII, Sub-Rule (13).	
9	Supplementary estimate in ditto	Rule XVII, Chap. VII, Sub-Rule (13).	
10	Estimate of cost of preparing paper-book in an Appeal from an Appellate Decree.	Rule VIII, Chap. VIII, Sub-Rule (1).	
11	Supplementary estimate	Rule VIII, Chap. VIII, Sub-Rule (4).	
12	Notice to the parties in a reference made to the High Court under the Civil Procedure Code	O. 46, r. 1, C. C. P.	
13	Notice to respondent in an Appeal withdrawn from a Lower Appellate Court for hearing by the High Court	Section 24, C. C. P.	
14	Notice of receipt of finding in an Appeal from Original Decree remanded under O. 41, r. 25, of the Civil Procedure Code.	Rule XXIII, Chap. VII	
15	Ditto in an Appeal from an Appellate Decree.	Rule XXIII, Chap. VII.	
16	Notice to Vakils, etc., to appear to consider decree as drafted in case where order of Lower Court reversed, etc., on Appeal, or costs fixed in special sum not specified in the judgment.	Rule XXI, Chap. VII.	

No. of Form.	Description of form	Section of Act or Rule of High Court's Rules to which the form applies.	REMARKS.
17	Bond to be executed when immovable property is tendered by an appellant in an Appeal to His Majesty in Council as security for the costs of the respondent in such an Appeal under O. 45, r 7 (1) (a), of the Civil Procedure Code.  <b>CRIMINAL.</b>  <i>In references under section 371 of the Criminal Procedure Code.</i>	Rule XVII, Chap IV	
1	Letter to District Magistrate requesting him to give notice to accused of the date fixed for hearing.	Rule I, Chap. XII, High Court's Rules.	
2	Order setting aside the verdict of the jury and convicting the accused.	307, C P. C.	
3	Order acquitting the accused . . .	307, C. P. C.	
	<i>In references under section 374 of the Criminal Procedure Code.</i>		
4	Letter to District Magistrate requesting him to give notice to the accused of the date fixed for hearing.	374, C. P. C.	
5	Order confirming sentence of death .	376, C P C.	
6	Order annulling sentence of death .	376, C. P. C.	
7	Order passing sentence in lieu of sentence of death	376, C. P. C.	
	<i>In Appeals.</i>		
8	Letter to Sessions Judge requesting him to forward the original papers of the Magistrate's record of commitment and the proceedings in Sessions Court.	421, C P. C.	

No. of Form.	Description of Form.	Section of Act or Rule of High Court's Rules to which the Form applies.	REMARKS.
9	Letter to District Magistrate request- ing him to give notice to appellant of the date fixed for hearing.	422, C. P. C.	
10	Similar letter, with endorsement call- ing for records from the Sessions Court.	422, C. P. C.	
11	Similar letter when appellant is con- fined in a jail in a district different from that in which he was tried.	422, C. P. C.	
12	Form for order dismissing an appeal	423, C. P. C.	
13	Order reversing order of acquittal and passing order in the case.	423, C. P. C.	
14	Order reversing finding and sentence, and acquitting accused.	423, C. P. C.	
15	Order reversing finding and sentence, and directing a retrial.	423, C. P. C.	
16	Order modifying finding or sentence, or both.	423, C. P. C.	
	<i>In Revisional Proceedings and in References.</i>		
17	In case taken up by the Court <i>suo motu</i> under section 435, letter calling for the record.	435, C. P. C.	
18	On application made, letter calling on Magistrate to show cause and to forward the record.	435, C. P. C.	
19	On application made, letter request- ing Magistrate to serve rule on the opposite party, to show cause, and to forward the record.	435, C. P. C.	

No. of Form.	Description of Form.	Section of Act or Rule of High Court's Rules to which the Form applies.	REMARKS.
20	In a reference under section 438 of the Code of Criminal Procedure, order under section 439. when no rule has been issued.	439, C. P. C.	
21	In reference under section 438 of the Code of Criminal Procedure, letter to Magistrate requesting him to give notice to accused of the date fixed for hearing	438, C. P. C.	
22	Rule to opposite party to show cause	439, C. P. C.	
23	Order in a case where a rule to show cause has issued.	439, C. P. C.	
24	Release order pending the drawing up of a formal warrant or order.		

NOTE.—Forms 21 and 22 are used in all references where a rule is issued and also in a case under section 438, C. P. C. Forms 17 and 18 are also used in cases under section 526, C. P. C. when necessary, with modifications.

## Form No 1 (Civil).

*Notice to Respondent in an Appeal under section 15 of the Letters Patent.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

CIVIL APPELLATE JURISDICTION.

NOTICE.

Letters Patent Appeal No. \_\_\_\_\_ of 19 \_\_\_\_\_  
in  
Appeal from \_\_\_\_\_ No. \_\_\_\_\_ of 19 \_\_\_\_\_

*Appellant*

*versus*

Respondent

To

*Vakil for Respondent.*

Take notice that an appeal under section 15 of the Letters Patent has been preferred by  
 Vakil for \_\_\_\_\_, to the High Court from  
 the judgment of the Division Bench ( \_\_\_\_\_ JJ.)  
 passed in the above-mentioned appeal from \_\_\_\_\_  
 and dated the \_\_\_\_\_ of \_\_\_\_\_ 19 \_\_\_\_; and that it has been  
 set down for hearing at the next sitting of the Court.

Dated this the                      day of                      19

*Deputy Registrar.*

## Form No. 2 (Civil).

*Notice to Lower Court under O. 41, r. 13, of the Code of Civil Procedure, when Respondent resided in Calcutta.*

No.

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

CIVIL APPELLATE JURISDICTION.

APPEAL FROM \_\_\_\_\_ No. \_\_\_\_\_ OF 19 \_\_\_\_.

*Filed on* \_\_\_\_\_ *19* \_\_\_\_\_,  
*No. of 19 of the Court of the*

( \_\_\_\_\_ ).

*Appellant,*

*versus*

*Respondent.*

Whereas the above-mentioned appeal has been preferred to  
this Court against the \_\_\_\_\_ of the Court of the  
\_\_\_\_\_ in the above-mentioned  
\_\_\_\_\_, and whereas the \_\_\_\_\_ day of

19 \_\_\_\_\_ has been fixed for the hearing of the said appeal in  
this Court,

It is ordered that notice of the said appeal do issue out of, and  
under the seal of, this Court directed to the above-named respon-  
dent requiring \_\_\_\_\_ to appear therein :

And it is further ordered that the said notice be forwarded  
to the Sheriff of Calcutta for service on the said respondent upon  
payment to him by the Vakıl of the appellant of his usual fees  
and charges, and that the said Sheriff do submit to this Court his  
return of service thereof without delay :

And it is further ordered that the said

do, within one week from the receipt by him of this  
order, transmit to this Court the record connected with the case.  
And it is further ordered that copies of this order be forwarded to  
the said Sheriff and to said

for their information and guidance.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our  
Lord One Thousand Nine Hundred and \_\_\_\_\_

*Deputy Registrar.*



**Form No. 3 (Civil).**

*Notice to Lower Court under O. 41, r 13, of the Code of Civil Procedure, when Respondent resides elsewhere than in Calcutta.*

**No.**

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL

CIVIL APPELLATE JURISDICTION.

APPEAL FROM	No.	OF 19
<i>Filed on</i>		19
No.	of 19	of the Court of the

( \_\_\_\_\_ )

\_\_\_\_\_ } *Appellant.*

\_\_\_\_\_

*versus**Respondent.*

Whereas the above-mentioned appeal has been preferred to this Court against the \_\_\_\_\_ of the Court of the \_\_\_\_\_ in the above-mentioned \_\_\_\_\_, and whereas the necessary process-fee has been paid by the appellant, and whereas the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ has been fixed for the hearing of the said appeal in this Court it is ordered that notice of the said appeal do issue out of, and under the seal of, this Court directed to the above-named Respondent requiring \_\_\_\_\_ to appear therein.

And it is further ordered that the said notice be forwarded to the \_\_\_\_\_ for service on the said respondent after realising from the above-named appellant the additional fees, if any, for boat-hire or ferry-toll, exigible under Rule (7) of the Rules framed by the High Court under clause (i) of Section 20 of the Court-fees Act, VII of 1870, and that the said \_\_\_\_\_

do submit to this Court his return of service thereof without delay.

And it is further ordered that the said \_\_\_\_\_ do, within one week from the receipt by him of this order, transmit to this Court, the record connected with the case.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord One Thousand Nine Hundred and \_\_\_\_\_

*Deputy Registrar.*

## Form No 4 (Civil).

*Notice to Respondent, under O. 41, r. 14, of the Code of Civil Procedure, of the day fixed for hearing of appeal.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

APPEAL FROM \_\_\_\_\_ No. \_\_\_\_\_ OF 19 \_\_\_\_  
\_\_\_\_\_valued at Rs.  
APPEAL FROM THE \_\_\_\_\_ OF THE COURT OF THE  
OF \_\_\_\_\_ DATED THE \_\_\_\_\_ OF \_\_\_\_\_ 19 \_\_\_\_.

*Appellant* ,

*versus*

*Respondent* .

To

*Respondent.*

Take notice that an appeal from the \_\_\_\_\_ of the  
of \_\_\_\_\_ in this case has been presented  
by  
Vakil for the above-mentioned appellant, \_\_\_\_\_ and registered in  
this Court ; and that the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_  
(corresponding with the \_\_\_\_\_ of \_\_\_\_\_ 13 \_\_\_\_ ) has been  
fixed by the Court for the hearing of the appeal.

If no appearance is made on your behalf, by yourself, your  
Pleader, or by someone by law authorized to act for you in this  
appeal, it will be heard and decided *ex parte* in your absence.

Signed and Sealed by order of the Court this  
day of \_\_\_\_\_ 19 \_\_\_\_ ,

*Deputy Registrar.*

**Form No. 5 (Civil).**

*Notice to Appellant [under Sub-Rule (2) of the Rules for preparation of the Paper-book in an Appeal from an Original Decree], intimating the arrival of the record, and requiring him to file his list of papers for the Paper-book.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

APPEAL FROM ORIGINAL DECREE NO.                      OF 19                      .

*Appellant,*

*versus*

*Respondent.*

Appeal valued at Rs.

To

*Vakil for Appellant.*

Take notice that the record of this appeal has been received in this office.

Under Sub-Rule (2) of the Rules for the preparation of Paper-books in Appeals from Original Decrees,\* the Vakıl of the Appellant is required to prepare a list of papers, or portions of papers on the record, which it will be necessary to insert in the Paper-book.

[See Sub-Rule (3) as to the papers to be specified in the List.]

*Deputy Registrar.*

## Form No. 6 (Civil).

*Notice to Respondent [under Sub-Rule (5) of the Rules for the preparation of the Paper-book in an Appeal from an Original Decree], intimating that the appellant has filed a list of papers.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

---

APPEAL FROM ORIGINAL DECREE No.

OF 19

*Appellant,*

*versus*

*Respondent.*

Appeal valued at Rs.

To

*Vakil for the Respondent.*

Take notice that the appellant has this day filed a list of papers to be included in the Paper-book of this appeal

[See Sub-Rules (5), (6), (7), and (8) of the Rules for the preparation of Paper-books, grouped under Rule XVII, Chap. VII, High Court's Appellate Side Rules.]

*Deputy Registrar.*

## Form No. 7 (Civil).

*Notice to Respondent [under Sub-Rule (14) of the Rules for the preparation of the Paper-book in an Appeal from an Original Decree], of the delivery of one of his duplicate lists to appellant.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

---

APPEAL FROM ORIGINAL DECREE NO.

OF 19 .

*Appellant,*

*versus*

*Respondent.*

To

*Vakil for the Respondent.*

Take notice that the appellant having elected to have the Paper-book prepared in the office of his Vakil, one of your duplicate lists has been made over to the appellant under Sub-Rule (14) of the Rules for the preparation of Paper-books grouped under Rule XVII of Chap. VII of the High Court's Appellate Side Rules.

*Deputy Registrar.*

## Form No. 8 (Civil).

*Estimate to be furnished to the Parties under Sub-Rule (13) of the Rules for the preparation of the Paper-book in an Appeal from an Original Decree.*

APPEAL FROM ORIGINAL DECREE NO.                      OF 19       .

*Appellant* ,

*versus*

*Respondent* .

Valued at Rs.

Estimate of the costs of translating and printing, etc., papers of the above appeal, as per list filed under Sub-Rule (13) of the Rules for the preparation of the Paper-book in an Appeal from an Original Decree (Rule XVII, Chapter VII, of the High Court's Appellate Side Rules), on behalf of the

	<i>Rs</i>	<i>a</i>	<i>p</i>
For Estimating       words, at 10,000 words per Rupee    :			
„ Translating, etc       .       .       .       .       .       .       .			
„ Transcribing, etc.       .       .       .       .       .       .       .			
„ Printing, etc.       .       .       .       .       .       .       .			
„ Lithographing maps       .       .       .       .       .       .			
Amount required under Sub-rule (15) to be deposited with the Accountant of the Court within       days after date of delivery of this estimate to the Vakil       .       .       .			

HIGH COURT, ETC.,

*The*                      19       .

*Deputy Registrar.*

To

*Vakil for*       .       .       .

## Form No. 9 (Civil).

*Supplementary Estimate of Costs for the preparation of Paper-books in an Appeal from an Original Decree. [To be furnished to the parties under Sub-Rule (15) of Rule XVII, Chap. VII, High Court's Appellate Side Rules.]*

APPEAL FROM ORIGINAL DECREE No. . OF 19 .  
*Appellant* ,  
*versus*  
*Respondent* .

*Memorandum of Receipts and Charges in this Appeal.*

DATE.	RECEIPTS	Rs a p			CHARGES	TO APPELLANT			TO RESPONDENT		
		Rs	a	p		Rs	a	p	Rs	a	p
	DEPOSITED BY—				Estimating words, at 10,000 words per Rupee .						
	Appellant .				Translating words, at 200 vernacular words per Rupee (including charge for paper)						
	Respondent .				Examining Translations, words, at 400 vernacular words per Rupee .						
					Copying words at 1,440 words per Rupee .						
					Examining Manuscripts, words, at 2,880 words per Rupee .						
					Editing Paper-book at 8 annas per page						
					Lithographing Map (actual charge) .						
					Printing at 14 annas per page .						
	To be recovered under Sub-rule (15) within 21 days from this date—				To be refunded .						
	From Appellant .										
	From Respondent										
	TOTAL .				TOTAL .						

HIGH COURT, ETC.,  
The 19 .

Deputy Registrar.

## Form No 10 (Civil).

*Estimate to be furnished to the parties under the Rules for the preparation of Paper-books in an Appeal from an Appellate Decree [Rule VIII, Sub-Rule (1), Chap. VIII, Appellate Side Rules.]*

APPEAL FROM APPELLATE DECREE NO.                      OF 19                      .

*Appellant* ,

*versus*

*Respondent* .

Estimate of the costs of translating and printing, etc., the documents required by the appellant's Vakil under Sub-Rule (1) of Rule VIII of the above-mentioned rules to be included in the Paper-book.

	<i>Rs.</i>	<i>a</i>	<i>p.</i>
For estimating            words, at 10,000 words per Rupee .			
Translating            words, at 200 words per Rupee (including charge for paper) . . . . .			
Printing, etc. . . . .			
The appellant is required to deposit this amount within two weeks from this date . . . . .			

HIGH COURT, ETC.,

*The*                      19                      .

*Deputy Registrar.*

To

*Vakil for the Appellant* .





## Form No. 12 (Civil).

*Notice to parties in a Reference made to the High Court under the Civil Procedure Code.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

CIVIL APPELLATE JURISDICTION.

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NOTICE.

*Reference under Section of the Code of Civil Procedure*

To

Plaintiff , এবং বাদি  
and প্রতিবাদি  
Defendant .

Take notice that the reference  
under Section of the Code  
Order of Civil Procedure submitted for  
the orders of this Court by the  
of  
, in connection  
with the following case, has been  
set down for hearing on the  
of 19 ; and that it  
will be heard on that day, or as  
soon thereafter as the business of  
the Court will permit.

এতদ্বারা জানান বাইতেছে যে  
নিম্নলিখিত মোকদমাধ মোকাম  
কর্তৃক এই আদালতের  
হুকুম জন্ম দেওয়ানি কার্য বিধি  
আইনের ধারানুসারে যে  
এক্সমজাজ হইয়াছে তাহা শ্রবণের  
দিন সন ১৯ সালের  
তারিখ ধার্য হইয়াছে এবং ঐ  
তারিখ অথবা এই আদালতের  
কার্যের অবস্থানুসারে তৎপরে যত  
শীঘ্র সম্ভব তাহা অবগ করা বাইবে।

নং সন ১৯ ।

No. 19 .

বাদি

Plaintiff ,  
versus  
Defendant .

এবং

প্রতিবাদি

Dated this the day of 19 .

Deputy Registrar.

N

## Form No. 13 (Civil).

*Notice to Respondent (in an Appeal withdrawn from a Lower Appellate Court for hearing by the High Court) of the day fixed for hearing of appeal.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

APPEAL FROM \_\_\_\_\_ No. \_\_\_\_\_ OF 19 \_\_\_\_\_

Appeal valued at Rs. \_\_\_\_\_

*Appeal from the Decree of the Court of the  
Judge of \_\_\_\_\_ passed in Suit No. \_\_\_\_\_ of  
and dated the \_\_\_\_\_ 19 \_\_\_\_\_  
Appellant*

To \_\_\_\_\_ versus \_\_\_\_\_

*Respondent*

Take notice that the above-mentioned Appeal, originally presented to the Court of the \_\_\_\_\_ and registered there as appeal No. \_\_\_\_\_ of 19 \_\_\_\_\_, has, by an order dated the \_\_\_\_\_ 19 \_\_\_\_\_, been called up for hearing by this Court, and that the day of \_\_\_\_\_ 19 \_\_\_\_\_ (corresponding with the \_\_\_\_\_ of 13 \_\_\_\_\_) has been fixed for such hearing.

If no appearance is made on your behalf, by yourself, your Pleader, or by someone by law authorised to act for you in this appeal, it will be heard and decided *ex parte*.

জানান বাইতেছে যে উপবোল্ড আপীল বাহা প্রথমে আদালতে দাখিল হইয়াছে এবং ১৯ সালের নম্বর আপীল বলিবা তথায় রেজিষ্টরি ভুক্ত হইয়াছিল তাহা ১৯ সালের \_\_\_\_\_

তারিখের হুকুমামুসাবে এ আদালত কর্তৃক বিচার জ্ঞত তলব হইয়াছে এবং ঐ বিচাবেব দিন সন ১৯ সালের মোঁ সন ১৩ সালের ধার্য হইয়াছে।

যদি তুমি স্বয়ং বা তোমার উকিল বা তোমার পক্ষে কার্য করণে যে কোন ব্যক্তি আইনামুসাবে সক্ষম এমত কোন ব্যক্তি স্বয়ং এই আপীলে উপস্থিত না হয় তাহা হইলে ইহার একতরফা বিচার হইবে।

Signed and sealed by order of the Court this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_.

*Deputy Registrar.*

## Form No. 14 (Civil).

*Notice of receipt of finding in an Appeal from an Original Decree  
remanded under O. 41, r. 25, of the Civil Procedure Code.*

---

NOTICE.

APPEAL FROM ORIGINAL DECREE No.            OF 19    .

*Appellant* ,

*versus*

*Respondent* .

*For Appellant—*

*For Respondent—*

The above case was remanded to the Lower Court under O. 41,  
r. 25, of Act V of 1908 on the  
of                      19    , for

The record has now been received back with the finding and  
further proceedings.

Two weeks are allowed to the parties to file any objection to  
the finding.

As to the supplementary Paper-book which it will now be neces-  
sary to prepare in the case, the attention of the Vakils is invited  
to Sub-Rules (2) and (3) of the Paper-book Rules for Appeals from  
Original Decrees. (Rule XVII, Chap. VII, High Court's Appellate  
Side Rules.)

*Deputy Registrar.*

## Form No. 15(Civil).

*Notice of receipt of finding in an Appeal from an Appellate Decree remanded to a Lower Court under O. 41, r. 25, of the Civil Procedure Code.*

---

NOTICE.

APPEAL FROM

DECREE NO.

OF 19

*Appellant**versus**Respondent**For Appellant—**For Respondent—*

The above case was remanded to the Lower Court under O. 41, r. 25, of Act V of 1908, on the                      of  
19                      , for

The record has now been received back with the finding and further proceedings.

Two weeks are allowed to the parties to file any objection to the finding.

*Deputy Registrar.*

## Form No. 16 (Civil).

*Notice to Vakils, etc., to consider draft Decree.*NOTICE.

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IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.CIVIL APPELLATE JURISDICTION.

---

APPEAL FROM                      No.                      OF 19                      .

*Appellant**versus**Respondent*

To

Take notice that the decree of this Court in the above-mentioned appeal has been prepared, and that you are required to attend the Bench Clerk in Court at                      o'clock on                      , the                      of                      19                      , for the purpose of initialling or signing the same.

By Order,

*Bench Clerk.*

## Form No. 17 (Civil).

*Bond to be executed when immovable property is tendered by an appellant in an appeal to His Majesty in Council as security for the costs of the Respondent in such an appeal under O. 45, r. 7 (1) (a), of the Civil Procedure Code.*

(<sup>1</sup>) Here enter name and full address of the Surety.

KNOW ALL MEN by these presents that I, (<sup>1</sup>) A B, am bound to C D, the Registrar of the High Court of Judicature at Fort William in Bengal in its Appellate Jurisdiction, his successors in office and assigns, in the sum of Rupees four thousand to be paid to the said C D, as such Registrar as aforesaid, his successors in office and assigns. Sealed with my seal.  
Dated the            day of

(<sup>2</sup>) Here enter name and full address of the Appellant to England.

WHEREAS E F(<sup>2</sup>) has presented to the High Court of Judicature at Fort William in Bengal an appeal to His Majesty's Privy Council (No.            of            ) against the judgment and decree of the said High Court in its Appellate Jurisdiction, dated the

day of

passed in Appeal from <sup>Original Decree</sup>  
~~Appellate Decree~~  
Order

No.            of            wherein G H is the appellant and the said E F is the respondent : AND WHEREAS the said High Court on the day of            granted the said E F a certificate that the case is a fit one for appeal to His Majesty in Council : AND WHEREAS the said E F as the appellant to England in the said appeal to His Majesty in Council (No.            of            ) is required under clause (a) of O. 45, r. 7 (1), of the Code of Civil Procedure, to give security

for the costs of the respondent to England in the said appeal to His Majesty in Council (No.            of            ), namely, the said G H. AND WHEREAS I, the said A B, am possessed of and absolutely entitled to the immoveable property, the particulars of which are set forth in the schedule hereunder written, do hereby charge the same as security for the payment to the extent of rupees four thousand, of the costs that may be awarded to the said respondent to England, G H, by any order of His Majesty in Council or of the said High Court in the said appeal (No.            of            ) preferred by the said E F to His Majesty's Privy Council as aforesaid.

NOW THE CONDITION of the above written bond or obligation is such that if I, the said A B, shall pay such costs, to the extent of rupees four thousand, as may be awarded against me by any order of His Majesty in Council or of the said High Court in the said appeal (No.            of            ) to His Majesty in Council, then the above written bond or obligation shall be void and of no effect, and the said immoveable property shall, at my cost, be released from this bond or obligation, and that, in default of the said costs being paid, the same shall be realized by sale of the said immoveable property, the sale proceeds thereof to be applied in payment of such costs to the extent of rupees four thousand, and that until such costs are paid the said immoveable property shall remain charged therefor.

Signed, sealed and delivered in the presence of

Schedule referred to above :—

[ Here insert full details and description of property.]



Form No. 1 (Criminal).

*Letter to District Magistrate requesting him to give notice to accused of the date fixed for hearing a Reference under section 307 of the Criminal Procedure Code.*

No.

FROM

THE REGISTRAR OF THE HIGH COURT OF  
JUDICATURE AT FORT WILLIAM  
IN BENGAL,

TO

THE MAGISTRATE OF

*Dated Calcutta, the 19 .*

SIR,

I am directed to inform you that the                      has  
The Emperor                      been fixed for the hearing of the case  
*versus*                      noted in the margin, which has been  
charged under section                      submitted to the High Court by the  
of                      Sessions Judge of  
under section 307 of Act V of 1898, with a view to setting aside  
the verdict of the Jury before whom the prisoner                      tried.  
I am also to request that you will give notice accordingly to the  
prisoner, intimating to me hereon that you have done so.

I have the honour to be,  
SIR,  
Your most obedient Servant,

*Registrar.*

MEMO. No.

Copy forwarded to the Superintendent and Remembrancer of  
Legal Affairs for his information.

By order, etc.,

HIGH COURT,                      }  
The                      19 .                      }

*Registrar.*

## Form No. 2 (Criminal).

*Order setting aside the verdict of the Jury in a case referred under section 307 of the Criminal Procedure Code.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

*Present :*

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.*

THE EMPEROR,

*versus*

Whereas  
son of \_\_\_\_\_ was charged before the  
\_\_\_\_\_ with having committed  
offences under section \_\_\_\_\_ of the Indian Penal Code and was  
tried on the \_\_\_\_\_ 19 \_\_\_\_\_, such trial being by Jury,

And whereas the Jury on the trial of the said  
\_\_\_\_\_ found him not guilty of the offences aforesaid, and the  
Sessions Judge disapproving of such verdict, has referred the case  
for the consideration of the High Court :

The Court having duly considered the proceedings on the said  
trial convicts the said  
under section \_\_\_\_\_ of the Indian Penal Code of committing  
\_\_\_\_\_ and sentences him to suffer  
rigorous imprisonment for  
and it is further ordered that the papers of the case be herewith  
returned.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our  
Lord One Thousand Nine Hundred and \_\_\_\_\_

Signed and sealed by order of the High Court.

*Registrar.*

## Form No. 3 (Criminal).

*Order under section 307 of the Criminal Procedure Code acquitting the accused.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

*Present :*

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.*

THE EMPEROR.

*versus*

Whereas

son of \_\_\_\_\_, charged before the  
Court of Session at \_\_\_\_\_ with having committed an  
offence under section \_\_\_\_\_ of the Indian Penal Code and  
tried on the \_\_\_\_\_ 19\_\_\_\_, such trial being by Jury:

And whereas the Jury on the trial of the said  
found not guilty of the offence aforesaid, and the Sessions  
Judge disapproving of such verdict, has referred the case for the  
consideration of the High Court :

The Court having duly considered the proceedings on the said trial, acquits the said \_\_\_\_\_ of the offence with which he was charged under section \_\_\_\_\_ of the Indian Penal Code, and directs that the said Court of Session do cause the said \_\_\_\_\_ to be set at liberty on receipt of this order : And it is ordered that the papers of the case be herewith returned.

Dated this                      day of                      in the year of Our  
Lord One Thousand Nine Hundred and

Signed and sealed by order of the High Court.

Registrar.

## Form No. 4 (Criminal)

*Letter to District Magistrate requesting him to give notice to accused  
of date fixed for hearing in a reference under section 374 of the  
Criminal Procedure Code*

No.

FROM

THE REGISTRAR OF THE HIGH COURT OF  
JUDICATURE AT FORT WILLIAM IN  
BENGAL.

To

THE MAGISTRATE OF  
*Dated Calcutta, the* 19 .

SIR,

HIGH COURT  
(CRIMINAL)

The

Sessions Judge of

having referred to this Court for  
confirmation under section 374 of the Code of Criminal Procedure  
the proceedings of his Court, dated the  
, convicting

of

and sentencing to death under section of  
the Indian Penal Code, I am to request that you will inform the  
prisoner

that the

reference has been set down for hearing on the

when appeal which

preferred by will also be heard and disposed of.

2. You are also requested to intimate to me hereon that notice  
has been served as directed.

I have the honour to be,

SIR,

Your most obedient Servant,

\_\_\_\_\_  
*Registrar.*

MEMO. No.

Copy forwarded to the Superintendent and Remembrancer of  
Legal Affairs for his information.

By order of the High Court.

HIGH COURT, }  
*The* 19 . }

*Registrar.*

Form No. 5 (Criminal).

*Order under section 376 of the Criminal Procedure Code confirming sentence of death.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

CRIMINAL JURISDICTION.

*Present :*

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.*

THE EMPEROR

*versus*

Upon reading a \_\_\_\_\_, dated the  
from the \_\_\_\_\_ of  
referring for confirmation the sentence of DEATH passed by the  
Court of Session of \_\_\_\_\_ upon the said  
of \_\_\_\_\_ on the \_\_\_\_\_ 19 \_\_\_\_\_,  
and the proceedings of the said Court of Session on the trial of the  
said \_\_\_\_\_, and after consideration of his  
appeal.—It is ORDERED that the said appeal be and the same is  
hereby dismissed, and that the sentence of DEATH passed on the  
said \_\_\_\_\_ be and the same is hereby confirmed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of  
Our Lord One Thousand Nine Hundred and \_\_\_\_\_

Signed and sealed by order of the High Court.

*Registrar.*

## Form No. 6 (Criminal).

*Order annulling sentence of Death under section 376 of the Criminal Procedure Code.*

No.

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

*Present :*

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.*

THE EMPEROR

*versus*

Upon reading a \_\_\_\_\_, dated the \_\_\_\_\_ of  
19 \_\_\_\_\_, from the \_\_\_\_\_ of  
\_\_\_\_\_ referring for confirmation the  
sentence of DEATH passed by the Court of Session of  
the said \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_, and the proceedings of the  
said Court of Session on the trial of the said \_\_\_\_\_  
IT IS ORDERED that the conviction of the said \_\_\_\_\_  
\_\_\_\_\_ under section \_\_\_\_\_ of the  
Indian Penal Code by the said Court of Session on the said  
day of \_\_\_\_\_ 19 \_\_\_\_\_ be and the same is hereby annulled, and  
that \_\_\_\_\_ and that the papers of the case be returned.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord  
One Thousand Nine Hundred and \_\_\_\_\_  
Signed and sealed by order of the High Court.

*Registrar.*

Form No. 7 (Criminal).

*Order under section 376 of the Criminal Procedure Code, passing  
sentence in lieu of sentence of Death.*

No.

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

*Present .*

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.*

THE EMPEROR

*versus*

Upon reading a , dated the of  
19 , from the of  
, referring for confirmation the sentence of  
DEATH passed by the Court of Session of upon the said

on the day of 19 , and the proceedings  
of the said Court of Session on the trial of the said

, and after a consideration of the appeal,—It is  
ORDERED that the said appeal be and the same is hereby dismissed,  
but that the sentence of DEATH passed by the said Court of Session  
upon the said be not confirmed,  
and it is ordered that, in lieu thereof, the said

be and is hereby sentenced to transportation for  
life, and that the said Sessions Judge do issue his warrant accord-  
ingly,—It is also ordered that the papers of the case be returned.

Dated this day of in the year of  
Our Lord One Thousand Nine Hundred and

Signed and sealed by the order of the High Court.

*Registrar.*

## Form No. 8 (Criminal).

*Letter to Sessions Judge calling for record under section 421 of the Criminal Procedure Code.*

No.

FROM

THE ASSISTANT REGISTRAR OF THE HIGH COURT  
OF JUDICATURE AT FORT WILLIAM IN BENGAL,

To

THE SESSIONS JUDGE OF

HIGH COURT.  
CRIMINAL.

*Present*

The Hon'ble Mr. Justice,  
and

The Hon'ble Mr. Justice,

*Two of the Judges of the Court.**Dated Calcutta, the 19 .*

SIR,

I am directed to request that you will forward to this Office the  
 Convicted under <sup>section</sup> , Indian Penal Code, and sentenced to <sup>years' rigorous</sup> imprisonment } original papers of the Magistrate's  
 by the Sessions Judge or 19 . } record of commitment and the proceedings in the Sessions Court in the case  
 on the } noted in the margin.

I have the honour to be,

SIR,

Your most obedient Servant,

*Assistant Registrar.*



## Form No. 9 (Criminal).

*Letter to District Magistrate for use under section 422 of the Criminal Procedure Code.*

No.

FROM

THE REGISTRAR OF THE HIGH COURT OF  
JUDICATURE AT FORT WILLIAM IN BENGAL,

TO

THE MAGISTRATE OF

HIGH COURT.  
CRIMINAL

*Present*

The Hon'ble

and

The Hon'ble

*Two of the Judges of the Court*

*Dated Calcutta, the 19 .*

SIR,

Under section 422 of the Code of Criminal Procedure, I am directed  
Appeal of Appellant  
Convicted under section , Indian } to inform you that the case marginally  
Penal Code, and sentenced by the Sessions } noted is set down for hearing on  
Judge of on the 19 } the 19 , and  
also to request that you will give notice thereof to the  
intimating to me hereon that you have done so.

I have the honour to be,

SIR,

Your most obedient Servant,

*Registrar.*

MEMO. No.

Copy forwarded to the Superintendent and Remembrancer of Legal  
Affairs for his information.

By order of the High Court,

HIGH COURT,

*The*

19 . }

*Registrar.*

## Form No. 10 (Criminal).

*Letter to District Magistrate for use under section 122 of the Criminal Procedure Code.*

No.

FROM

THE REGISTRAR OF THE HIGH COURT OF  
JUDICATURE AT FORT WILLIAM IN BENGAL.

TO

THE MAGISTRATE OF

HIGH COURT.

CRIMINAL.

*Present*

The Hon'ble

and

The Hon'ble

*Two of the Judges of the Court*

SIR,

*Dated Calcutta, the**19*

Under section 422 of the Code of Criminal Procedure, I am directed to inform you that the case marginally noted is set down for hearing on the *19* and to request that you will give notice thereof to the appellant, intimating to me hereon that you have done so.

Appeal of Appellant  
Convicted under section Indian  
Penal Code and sentenced by the Sessions  
Judge of 19 .

I have the honour to be,

SIR

Your most obedient Servant,

*Registrar.*

MEMO. No.

Copy forwarded to the Sessions Judge of for his information and guidance, and with a request that he will forward the papers of the case at once. Should they not be despatched so as to reach this office on or before the *19*, an explanation of the delay should be given.

By order of the High Court,

HIGH COURT,

*The**19 .**Registrar.*

MEMO. No.

Copy forwarded to the Superintendent and Remembrancer of Legal Affairs for his information.

HIGH COURT,

*The**19 .*

By order of the High Court

*Registrar.*

**Form No. 11 (Criminal).**

*Letter to District Magistrate for use under section 422 of the Criminal Procedure Code.*

**No.**

**FROM**

**THE REGISTRAR OF THE HIGH COURT OF  
JUDICATURE AT FORT WILLIAM IN BENGAL,**

**TO**

**THE MAGISTRATE OF  
HIGH COURT.**

**CRIMINAL.**

*Present*

The Hon'ble

and

The Hon'ble

*Two of the Judges of the Court.*

**SIR**

*Dated Calcutta, the*

*19*

Under section 422 of the Code of Criminal Procedure I am directed

The appeal of	,	} to inform you that the case marginally noted is set down for hearing on the 19 . As the appellant is confined in the Jail, the Magis- trate of has been requested to have the notice served upon
convicted under section	of	
the Indian Penal Code, and sentenced	19 .	
by the Sessions Judge of on the	19 .	

I have the honour to be,

**SIR,**

Your most obedient Servant,

*Registrar.*

**MEMO. No.**

Copy forwarded to the Magistrate of , with a request that he will have notice of the date fixed for hearing the appeal served upon the appellant, and intimate to this office hereon that he has done so.

**HIGH COURT,**

*The*

*19 .*

By order of the High Court,

*Registrar.*

**MEMO. No.**

Copy forwarded to the Sessions Judge of for his information and guidance, and with a request that he will forward the papers of the case at once. Should they not be despatched so as to reach this office on or before the 19 , an explanation of the delay should be given.

**HIGH COURT,**

*The*

*19 .*

By order of the High Court,

*Registrar.*

**MEMO. No.**

Copy forwarded to the Superintendent and Remembrancer of Legal Affairs for his information.

**HIGH COURT,**

*The*

*19 .*

By order of the High Court,

*Registrar.*

## Form No. 12 (Criminal).

*For Order dismissing an Appeal.*IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.*The* 19 .

CRIMINAL JURISDICTION.

*Present :*

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.**Appellants.**Signed.**J.**J.*

MEMO. No.

Copy forwarded to the Sessions Judge of  
for information, with reference to his letter No. , dated  
19 , and for com-  
munication to the prisoner.

The papers of the case are herewith returned.

By order, etc.

HIGH COURT, }  
*The* 19 . }

*Registrar.*

## Form No. 13 (Criminal).

*Order under section 423 of the Criminal Procedure Code reversing an order of acquittal and passing an order in the case.*

No.

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

*Present :*

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.  
Appellant,*

*versus**Respondent.*

Upon reading a petition of appeal presented by the Deputy Legal Remembrancer on behalf of the Government of Bengal against the order passed by the Court of Bihar and Orissa Session of Assam. on the acquitting the above-named of the offence with which he was charged under section of the Indian Penal Code, and upon reading the record of the proceedings of the said Court of Session on the trial of the said and after hearing,—It is ORDERED that the said order of

the Court of Session of dated the be and the same is hereby set aside; and it is ordered that, in lieu thereof, the said be and he is hereby convicted of an offence under section of the Indian Penal Code and is sentenced to

AND IT IS FURTHER ORDERED that the said Court of Session do issue a warrant in accordance with this order. The records of the case are herewith returned.

Dated this day of in the year of  
Our Lord One Thousand Nine Hundred and

Signed and sealed by order of the High Court.

*Registrar.*

## Form No. 14 (Criminal).

*Order under section 423 of the Criminal Procedure Code reversing  
the finding and sentence and acquitting the accused.*

No.

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

*Present :*

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.**Appellant,**versus*

THE EMPEROR.

*Respondent.*

Upon reading a petition of appeal presented by the above-named  
against the conviction and the sentence passed upon by  
the Court of Session of under section of the  
Indian Penal Code on the day of 19 ,  
and upon reading the record of the proceedings of the said Court  
of Session on the trial of the said  
and after hearing ,  
It is ORDERED that the said conviction and sentence upon the  
said  
passed on the said day of 19  
be and the same are hereby set aside ; and it is ordered that the  
said Court of Session of do cause the said  
to be set at liberty  
on receipt of this order, and that the papers of the case be re-  
turned.

Dated this day of in the year of  
Our Lord One Thousand Nine Hundred and  
Signed and sealed by order of the High Court.

*Registrar.*

**Form No. 15 (Criminal).**

*Order under section 423 of the Criminal Procedure Code reversing  
the finding and sentence and directing a re-trial.*

**No.**

**IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.**

*Present :*

**THE HON'BLE  
AND  
THE HON'BLE**

*Two of the Judges of the Court.*

*Appellant,*

*versus*

**THE EMPEROR.**

*Respondent.*

Upon reading a petition of appeal presented by the above-named \_\_\_\_\_ against the conviction under section \_\_\_\_\_ of the Indian Penal Code and the sentence passed on \_\_\_\_\_ by the Court of Session of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, and upon reading the record of the proceedings of the said Court of Session on the trial of the said \_\_\_\_\_

, and after hearing

It IS ORDERED that the said conviction and sentence be and the same are hereby quashed :

AND IT IS FURTHER ORDERED that a new trial of the said \_\_\_\_\_ be had before the said Court of Session upon the charge.

Dated this \_\_\_\_\_ day of \_\_\_\_\_  
in the year of Our Lord One Thousand Nine Hundred and \_\_\_\_\_  
Signed and sealed by order of the High Court.

*Registrar.*

**Form No. 16 (Criminal).**

*Order under section 423 of the Criminal Procedure Code modifying the finding or sentence or both.*

**No.**

**IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.**

*Present :*

THE HON'BLE  
AND  
THE HON'BLE

*Two of the Judges of the Court.  
Appellant,*

*versus*

*Respondent.*

Upon reading a petition of appeal presented by the above-named against conviction under section of the Indian Penal Code and the sentence of passed upon by the Court of Session of on the day of 19 , and upon reading the record of the proceedings of the said Court of Session on the trial of the said , and after hearing ,

IT IS ORDERED that the conviction the sentence of passed by the said Court of Session under section of the Indian Penal Code upon the said be and the same is hereby set aside ; and it is ordered that, in lieu thereof, the said be commencing from the date when the sentence passed upon by the said Court of Session commenced to take effect :

AND IT IS FURTHER ORDERED that the said Court of Session do recall its first warrant ; and, in lieu thereof, issue a fresh warrant in accordance with this sentence. The records of the case are herewith returned.

Dated this day of in the year of Our Lord One Thousand Nine Hundred and .  
Signed and sealed by order of the High Court.

*Registrar.*



## Form No. 17 (Criminal).

*Letter calling for Records for use under section 435 of the Criminal Procedure Code.*

FROM

THE REGISTRAR OF THE HIGH COURT OF  
JUDICATURE AT FORT WILLIAM IN BENGAL,

TO

THE

OF

*Dated Calcutta, the 19*

HIGH COURT.

CRIMINAL.

*Present*

The Hon'ble

and

The Hon'ble

*Two of the Judges of the  
Court.*

SIR,

The Court having on a review of the

been pleased to call for the record of the case<sup>e</sup>  
noted in the margin, I am directed,  
under section 435 of the Code  
of Criminal Procedure, to request  
that you will transmit to this  
office the record of the proceedings  
in your Court and in that  
of

I have the honour to be,

SIR,

Your most obedient Servant,

*Registrar.*

## Form No. 18 (Criminal).

*Letter to District Magistrate for use under section 435 of the Criminal Procedure Code*

No.

FROM

THE REGISTRAR OF THE HIGH COURT OF  
JUDICATURE AT FORT WILLIAM IN BENGAL,

To

THE MAGISTRATE OF THE DISTRICT OF

Dated Calcutta, the 19 .

SIR,

HIGH COURT  
CRIMINAL  
Present  
The Hon'ble Mr Justice  
and  
The Hon'ble Mr Justice  
Two of the Judges of the Court

The Emperor at the prosecution of  
an offence under section } in the case marginally noted by  
on the  
may be set aside by the High Court, under the powers vested in it by section  
439 of the Code of Criminal Procedure, and that

2 The 19 has been fixed for the further  
hearing of the application in this Court, when any cause which may be  
shown by the Crown why it should not be granted will be considered.

3. You are further requested to  
to this Court on or before the 19, the original record  
of the case.

I have the honour to be,

SIR,

Your most obedient Servant,

Registrar.

## MEMO. No.

Copy of the above letter only forwarded to the Sessions Judge of  
, with a request that he will forward to this  
Court, on or before the 19, the original record of the proceedings in his  
own Court in connection with the case.

By order of the High Court,

HIGH COURT , }  
The 19 . }

Registrar.

## MEMO. No.

Copy forwarded to the Superintendent and Remembrancer of Legal  
Affairs for his information.

By order of the High Court,

HIGH COURT , }  
The 19 . }

Registrar.

Form No. 19 (Criminal).

*Letter to District Magistrate for use under section 435 of the Criminal Procedure Code.*

FROM                      THE REGISTRAR OF THE HIGH COURT OF  
JUDICATURE AT FORT WILLIAM IN BENGAL,  
To                      THE MAGISTRATE OF THE DISTRICT OF  
Dated Calcutta, the                      19 ;

HIGH COURT  
CRIMINAL.  
Present \*  
The Hon'ble  
and  
The Hon'ble  
Two of the Judges of the Court

SIR,  
I am directed to forward for your information the accompanying copy of an application filed on behalf of the  
, in the case marginally noted and of a rule granted by this Court, calling upon the                      to show cause why the order of the                      , dated the

be set aside by the High Court under the powers vested in it by section 439 of the Code of Criminal Procedure ; and I am to request that you will cause one copy of the rule to be served upon the said  
and return the other to this office with a certificate that you have done so.

2. The                      has been fixed for the further hearing of the application in this Court, when any cause which may be shown by Government why it should not be granted, will also be considered.

3. You are further requested to                      19 , the original record to this Court, on or before the                      of the case.

I have the honour to be,  
SIR,  
Your most obedient Servant,  
Registrar.

MEMO. No

Copy of the above letter only forwarded to the Sessions Judge of  
, with a request that he will forward to this Court on or before the                      , the original record of the proceedings in his own Court in connection with the case.

HIGH COURT,                      }                      By order of the High Court,  
The                      19 .                      }                      Registrar.

MEMO. No

Copy forwarded to the Superintendent and Remembrancer of Legal Affairs for his information.

HIGH COURT,                      }                      By order of the High Court,  
The                      19 .                      }                      Registrar.

## Form No. 20 (Criminal.)

*Order under section 439 of the Criminal Procedure Code when no rule has been issued.*

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

*Present :*

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.*

THE EMPEROR

*versus*

Upon reading a reference from the \_\_\_\_\_ of  
No. \_\_\_\_\_, dated the \_\_\_\_\_ 19 \_\_\_\_\_, under section 438  
of the Code of Criminal Procedure, and upon revision by the High  
Court under section 439 of the said Code of the proceedings in the  
above case,—IT IS ORDERED that the order of the  
\_\_\_\_\_, dated the \_\_\_\_\_ 19 \_\_\_\_\_, convicting  
the accused \_\_\_\_\_ under section \_\_\_\_\_ of the  
Indian Penal Code and sentencing \_\_\_\_\_ to  
\_\_\_\_\_, be and the same is hereby  
annulled :

AND IT IS FURTHER ORDERED that two copies of this order  
and of the judgment of this Court recorded in the case be for-  
warded to the \_\_\_\_\_, one  
for his information and the other for communication to, and guid-  
ance of, the \_\_\_\_\_,  
and that the papers of the case be returned.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ in the  
year of Our Lord One Thousand Nine Hundred and \_\_\_\_\_  
Signed and sealed by order of the High Court.

*Registrar.*

Form No. 21 (Criminal).

*Letter to District Magistrate for use under section 438 of the Criminal Procedure Code.*

No.

FROM

THE REGISTRAR OF THE HIGH COURT OF  
JUDICATURE AT FORT WILLIAM IN BENGAL.

To

THE MAGISTRATE OF THE DISTRICT OF

*Dated Calcutta, the*

*19*

SIR,

HIGH COURT  
CRIMINAL  
*Present*  
The Hon'ble  
and  
The Hon'ble  
*Two of the Judges of the Court*

With reference to letter  
No. , dated the  
reporting for the orders of the High  
Court, under section 438 of the Code of  
Criminal Procedure the proceedings  
in Court

That Emperor at the prosecution of } in the case marginally noted, I am  
an offence under section } directed to inform you that the  
hearing of the case, when the Court will consider any cause which may be  
shown by the accused by the } has been fixed for the

should not be

2. I am at the same time to request that you give notice hereof to the  
accused and to report to me that you have done so.

I have the honour to be,

SIR,

Your most obedient Servant,

*Registrar.*

MEMO. No.

Copy of the above forwarded to the Sessions Judge of  
with reference to his letter quoted above for information.

HIGH COURT, }  
The 19 . }

By order of the High Court,

*Registrar.*

## Form No. 22 (Criminal).

*Rule to show cause.\**IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.*Present :*

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.*

In the matter of

*Petitioner,**versus*

Rule to show cause.      Upon reading a petition

, and upon hearing  
on behalf of the petitioner,—It is ORDERED that the said  
do show cause, on the      , why  
the order      Magistrate of

bearing date the      of 19 ,  
should not be quashed.

Dated this      day of      in the year  
of Our Lord One Thousand Nine Hundred and

Signed and sealed by order of the High Court.

*Registrar.*

## Form No. 23 (Criminal).

*Order under section 439. of the Criminal Procedure Code in a case where a Rule to show cause has issued.*

No.

IN THE HIGH COURT OF JUDICATURE AT FORT  
WILLIAM IN BENGAL.

Present :

THE HON'BLE

AND

THE HON'BLE

*Two of the Judges of the Court.*

In the matter of

*Petitioner,**versus*

Upon reading a rule issued by this Court to the  
of

No. , dated the 19 , in the above  
matter, whereby it was declared that the High Court would con-  
sider any cause which might be shown by

why the

order passed by

on the day of 19 ,  
should not be set aside, and upon the application of\*  
for and upon  
hearing\* for

,—IT IS ORDERED that the said rule  
be and the same is hereby made absolute :

AND IT IS FURTHER ordered that a copy of this order and of  
the judgment of the High Court recorded in this case be forwarded  
to the of for his informa-  
tion and for communication to the said through  
the District Magistrate, and that the papers of the case be there-  
with returned.

Dated this day of in the Year of Our  
Lord One Thousand Nine Hundred and .

Signed and sealed by order of the High Court.

*Registrar.*

\* Here state name and status of the legal practitioner engaged.





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